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OF

# STATE PAPERS

COLONIAL (SERIES)

AMERICA AND WEST INDIES

VOL. XLI

1734—1735

PRESERVED IN THE

PUBLIC RECORD OFFICE

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OF HER MAJESTY'S TREASURY UNDER THE DIRECTION  
OF THE MASTER OF THE ROLLS



LONDON

PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

1953



577283

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PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

To be purchased from

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PRINTED IN GREAT BRITAIN



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## PREFATORY NOTE

THE Text of this Volume was prepared, and the Introduction to it written, by the late Dr. A. P. Newton, D.Lit., F.S.A., Emeritus Professor of Imperial History in the University of London, and Fellow of King's College. The MS. material for the Text, which was drawn from the several Colonial Office Classes of *Original Correspondence* and *Entry Books of Correspondence* for the American and West Indian Colonies, had been accumulated by Mr. Cecil Headlam, the previous Editor of the Series; and this was edited and passed through the press by Dr. Newton, during the Deputy Keeperships of Mr. A. E. Stamp, C.B., and Sir Cyril Flower, C.B., between 1937 and 1940. The Indexes were compiled by Mrs. C. Headlam.

The delay in the appearance of the Volume has been largely due to circumstances arising from the War.

27 February, 1953.

HILARY JENKINSON.



## INTRODUCTION.

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The papers dealt with in this volume cover a period of eighteen months from January 1734 to June 1735, in distinction to the immediately preceding volumes, each of which covered only a year. As mentioned in the volume for 1733 there were only 473 abstracts for that year, whereas for 1731 there were 595. For 1734 the number is still smaller, being only 435 (Nos. 1-434 and 614), while for the period from January to June 1735 there were 179 (Nos. 435-613), so that for eighteen months we have only a little greater bulk of material than was collected in the twelve months of 1731. The papers from July 1735 to December 1736 will be included in our next volume.

### § I.

#### GENERAL.

The Committee  
of Council for  
Plantation  
Affairs.

In the Introduction to the preceding volume the relations between the Board of Trade and the Committee of the Privy Council for Plantation Affairs were dealt with at some length, and it was emphasised that the effective power of decision in colonial matters rested with the latter body. There are no regular records of the proceedings of the Committee such as were preserved in the Journal of the Board of Trade, but among our abstracts there will be found certain items called "Minutes of the Committee of the Council for Plantation Affairs." They come from a miscellaneous collection of papers from the Council Office (*C.O.* 5/36), including draft minutes, rough notes of meetings and a few fair copies in proper minute form. There are also a few letters from the Clerk of the Council to the Secretary of State. These draft Minutes come from 1731-2, the fair copies from 1735, and the rest of the papers consist of a group for 1746-7 and



many dating after 1783 from the office of the Committee for Trade and Plantations. This explains how papers really belonging to the Privy Council have come into the C.O. series.

The long Minutes from 1735 show something of how the business of the Committee for Plantation Affairs was conducted (590, 608). Thomas Fane, sixth Earl of Westmoreland, resigned from the Presidency of the Board of Trade and Plantations in May 1735, and a new commission was issued in which the Earl of Fitzwalter took the first place (*Journal*, 1734 $\frac{1}{2}$ –1741, p. 17). Thenceforward he was the channel through which the communications of the Board were presented to the Committee (e.g. 608) and he took the leading part in the discussion of colonial affairs in the House of Lords until his resignation in 1737 (*Journal*, p. 203). In the minutes the members of the Committee for Plantation Affairs were called the “Lords of the Crown” in distinction from the members of the Board who were called “Lords Commissioners.” The two bodies on occasion met in the same place, the Plantation Office (169), the Secretary of State, the Duke of Newcastle, being sometimes present at the meetings of the Committee (169). The meetings recorded in these minutes date from June 1735 and were held in the Council Chamber, Whitehall. At the first of them it is stated that the Lords Commissioners for Trade “attended” to receive the recommendations of the Committee, which is a definite indication of their subordination to the Lords of the Crown (590). It was impossible for them to communicate direct with other Boards, while the Committee could give orders to the various offices, as, for example, when they “ordered” the Board of Ordnance to take certain action (590).

Reports of the  
Board of Trade  
and Plantations  
to Parliament.

Both Houses of Parliament continued to show that thirst for information concerning the colonies to which we have referred in earlier Introductions. The reports prepared by the Board of Trade under the instructions of the Committee in reply to them are of very great value, not only as summarising the position in 1734–5 but also as historical resumé of what had taken place in earlier



years. The contents of certain of the reports will be referred to later, but it may be convenient here to list some of the principal subjects upon which enquiries were made. In June 1733 the House of Lords had presented an Address to the Crown praying for an account of the laws made, the manufactures set up and the trade carried on in H.M. Plantations in America, and the Board of Trade through their President, the Earl of Westmoreland, laid their lengthy report before the House in January 173 $\frac{3}{4}$  (20). It was ordered to be printed and was referred to a Committee of the whole House for consideration (21, 22). The Minutes of that Committee (77) show that the Earl of Westmoreland took the leading part in the debates upon the representation in March 173 $\frac{3}{4}$ , and upon his motion further addresses were presented to the Crown praying that the Board of Trade should be ordered to prepare and lay before the House in the next Session of Parliament "a state of the British Islands in America with regard to their trade, their strength and fortifications with their opinion what may be further necessary for the encouragement of their trade and [the] security of those islands" (122 i). Also that the Board of Trade should be directed to "revise and consider the several proposals that may at any time have been laid before them relating to such encouragements as may be necessary to engage the inhabitants of the British Colonies on the Continent of America to apply their industry to the cultivation of naval stores and likewise of such other products as may be proper for the soil of the said colonies and do not interfere with the trade or produce of Great Britain" (123 i). The Addresses were forwarded by the Duke of Newcastle to the Board of Trade with orders for their compliance; their report was prepared and presented to the House in January 173 $\frac{5}{8}$  (457) and we shall refer to it later.

The House of Commons presented Addresses to the Crown in May 1735 praying for a variety of information of a very detailed kind. They desired copies of all representations made or letters written by the Board of Trade to the Secretaries of State since 25 March, 1715,



relating to the state and condition of any of the British colonies in America or in relation to their trade and commerce, and of the danger the said colonies have been or are apprehended to be in from the growing power of the French in America (581 ii). Copies of any representations etc. made to the Crown, the Secretaries of State or the Admiralty or Board of Trade concerning the depredations of the Spaniards in America since 25 March, 1725 were also required, together with copies or extracts of any letters concerning them addressed to or written by the Governors of the colonies, the commanders of ships of war and British consuls in Europe (580 i). The Commons also asked for detailed information as to what laws were in force in every colony in 1731 and what laws had been passed since then concerning duties or impositions laid on the trade or shipping of Great Britain, as also of the instances in which those laws had been disapproved by the Crown and the steps taken to enforce that disapprobation (581 ii). An account was also desired of any duties or impositions laid in any of the British Colonies and Plantations in America on the importation or exportation of negroes and any goods, wares and merchandise, in detail according to particular colonies (581 ii). Jamaica, Barbados and the Leeward Islands were specially singled out by another Address, and particulars were required of the yield of the duties over a period of ten years (581 i).

Objections to  
Parliamentary  
interference in  
colonial affairs.

The work of getting together such a mass of information called for unremitting effort by the Board of Trade and within a month after receiving orders from the Duke of Newcastle for it to be undertaken they despatched circular letters to all the colonies (including Rhode Island and Connecticut, which were specially mentioned) directing the immediate collection of the particulars required (598, 600). To the members of the Board of Trade as to their hard-worked officials this new inquisitiveness of Parliament was very unwelcome. Mr. Bladen, perhaps the most active of all the Commissioners, expressed this opinion about Parliamentary interference in strong terms to the Duke of Newcastle. "It would seem by the vast number of papers called for at the latter end of the



Sessions that some gentlemen fancy they should be able to make wonderful discoveries or at least to bring the whole economy of the Plantations out of their ordinary channel under the immediate inspection of Parliament. But no neglect in matters relative to the Plantations can justly be imputed either to the Board of Trade or to the Administration, and in all probability the more papers these gentlemen call for, the more they will be convinced of their error. Though it is really impossible their orders should be complied with for some years to come, if the utmost diligence were employed in procuring proper returns to them. These enquiries however should remind the King's Servants [i.e. the Cabinet ministers] of taking the lead in all things necessary to the security and welfare of the Plantations " (592 ii).

Colonial  
constitutions.

The lengthy Representation prepared by the Board of Trade in pursuance of the Address of the House of Lords of June 1733 was completed in January 1734 and forms a comprehensive survey of the legal and economic situation in the colonies, which is of considerable interest (20, *pp.* 11-25). It commences with a survey of the constitutional relations of the colonies with the Crown (*pp.* 11-12), which is of interest as showing the special points that attracted attention in 1734. The colonies immediately depending upon the Crown were first enumerated and the two remaining Proprietary colonies of Pennsylvania and Maryland, the Carolinas and the Bahamas having passed to the Crown. The three Charter Governments demanded more notice. Of the chief of them the Province of Massachusetts Bay, commonly called New England, the Board wrote :—" The constitution is of a mixed nature, the power being divided between the King and the people, in which the people have much the greater share ; for here the people do not only choose the Assembly, but the Assembly choose the Council also, and the Governor depends upon the Assembly for his annual support ; which has too frequently laid the Governors of this Province under temptations of giving up the prerogative of the Crown and the interest of Great Britain." Connecticut and Rhode Island are



characterised as Corporations with almost the whole power of the Crown delegated to the people with their annually elected Assemblies, Councils and Governors. "As their charters are worded, they can and do make laws even without their Governors' assent and directly contrary to their opinions. As the said Governors are annually chosen, their office generally expires before the approbation [of the Crown] can be obtained or any security can be taken for the due observance of the Laws of Trade and Navigation." The Board of Trade remarked that both Connecticut and Rhode Island held little or no correspondence with their office, and this accounts for the very few letters from those colonies which appear among the documents here calendared. It was not surprising, said the Board, that the Governors appointed there should be guilty of many irregularities in point of trade and in other respects (*p.* 12).

Submission of  
Acts to the  
Crown.

The Report contains a useful summary of the practice in various colonies as to the submission of Acts to the Crown for confirmation where there were variations from the general rule. Pennsylvania was only obliged to deliver a transcript of the laws to the Privy Council within five years after their passing and, if the King did not think fit to repeal them within six months after their delivery, it was not in the power of the Crown to repeal them afterwards. The laws of Massachusetts were not subject to disallowance after three years from their presentation; Maryland, Connecticut and Rhode Island were not under any obligation to submit their laws for approbation or disallowance, and in the two latter colonies their laws were not subject to disallowance by the Crown, and they were valid unless it could be shown that they were repugnant to the laws of England (*p.* 12). The Board complained strongly of the frequent pernicious practice, as they called it, of the Assemblies tacking proposals repugnant to the laws of England or the interest of Great Britain to the annual revenue Acts or to Acts of a temporary continuance, so that they had their full effect before the Board could acquire due notice of them. They reported that many such laws had been



repealed and attempts made to stop the practice of tacking, but without much effect (*p.* 12).

Duties on  
British goods.

The enquiry of the House of Lords was specially concerned with the Acts that had been passed in the colonies since the accession of George I laying duties on British goods. In their reply the Board set out with explanatory comments the relevant laws colony by colony, and their exhaustive search of their files was carried right back to the Restoration of 1660. It appeared from the dates in the laws mentioned that most of them had been passed before 1715 " and might very probably be thought reasonable at the time when they were enacted as encouragements to such as should be disposed to transport themselves and lay out their small fortunes in America " (*p.* 16). For this reason no complaint seems to have been made against them until the petition of the Merchants of London in 1731. The representation of the Board in reply to that petition (21 January 173 $\frac{1}{2}$ ) contains many matters pertinent to the House of Lords enquiry and should be read along with the present document (*C.S.P.* 1732, *No.* 36, *pp.* 25-7).

Manufactures  
and trade in  
the colonies.

The reply concerning the manufacture and trade in the colonies was based upon the answers sent in by each Governor to the general queries addressed to him by the Board periodically since 1719. The answers have been included in the successive volumes of this Calendar, but the present report furnishes a useful summary of them colony by colony. The state of the colonies being naturally subject to frequent variations in their trade, manufactures and other particulars, it is noticeable how uniform the answers from almost every colony appear. There were no manufactures of any importance save in New England, and what small industries there were supplied only a small part of the demands of the people and caused no diminution in the quantity of goods imported from Great Britain. There was, however, certainly the nucleus of a manufacturing industry in New England and an export thence to other colonies of wooden furniture, chairs, hoes, axes and other iron utensils which might compete with British trade and demand the attention of Parliament (*p.* 21).



Governors'  
Instructions  
concerning the  
Acts of Trade.

In reply to the latter part of the Lords' enquiry as to the orders and instructions which had been given to discourage such trade as competed with that of Great Britain, the Board gave an interesting summary of such orders as related to the Acts of Trade and their development. The earliest Instructions to Governors that in 1734 were extant among the Board's records were those prepared in 1686 by a Committee of the Privy Council with the assistance of the Commissioners of the Customs. There had been former Instructions concerning the Acts of Trade, but they were not to be found among the records (*p. 22*). Special instructions were not drawn up for issue to every Governor, but such modifications as were necessary were made in the general form. "It hath been a constant practice for the Crown to give a set of Instructions to every Governor in the Plantations relating to the Acts of Trade and Navigation which have always been formed at this Board with such additions to those of 1686 or such variations from them as the circumstances of each Province respectively or the ordinary vicissitudes incident to subjects of this nature may have rendered necessary." The Governors were ordered to endeavour to prevent the exportation of wool or woollen manufactures from one Province of H.M. territories in America to another, to prevent frauds in the importation of tobacco, to prevent clandestine trade to the East Indies, Madagascar etc. and to prevent the unlawful importation of East India goods (*p. 23*). "These principal Instructions are supported by several others, which are distinct rules, contrived to enforce the observation of the former. The several Governors are strictly enjoined to put them in execution under the penalty of being deprived of their offices, of forfeiting the sum of one thousand pounds, and of incurring the displeasure of the Crown : and Proprietors of Provinces are laid under the same injunctions upon the penalty of forfeiting their grants" (*p. 23*).

Unsatisfactory  
observance  
of the  
Instructions.

Such was the system on paper, but the correspondence that is gathered in this Calendar shows how many loopholes there were in the system and the members of the



House of Lords who had moved for the Report must have been more interested in the actual working of the system than in its paper symmetry. The Board of Trade admitted that they had before them many particular grievances and complaints from incorporated bodies or private traders which "from the variety of accidents attending trade to the several Governments of America have been very frequent." To meet them special instructions had been devised in particular cases, but no examples of them are given in the report.

Treaty of  
Neutrality  
of 1686.

In connection with this matter special remark was made of the instructions to Governors to observe in time of peace the Treaty of Neutrality concluded between Great Britain and France in November 1686 which still, fifty years later, played an important part in the life of the Caribbean colonies. The flames of colonial rivalry were rising more fiercely, but this treaty concluded under such different circumstances was appealed to as of full validity (p. 24). Where small and intensely jealous communities of different nations were jostling side by side in the extraordinary conditions of the West Indies and all were dependent upon the free passage of the sea, questions of neutrality and neutral rights were of interest during peace, but they became of first-rate importance if war broke out in Europe. It was against this danger that the colonists strove to guard by local agreement. The English in the Leeward Islands heard with great uneasiness that a new treaty of neutrality had been concluded between the French and Dutch colonists in the group in July 1734. It referred especially to the islands of St. Martin and St. Bartholomew in which planters of the two nations were living side by side. As soon as he got word of the conclusion of the treaty Governor Mathew asked the Dutch Governor of St. Eustatia to disclose its terms, which he did without reluctance and Mathew sent off the information at once to the ministers (425 i).

Treaty of  
Neutrality  
between  
French and  
Dutch, 1734.

The treaty provided that in the case of war between France and Holland the inhabitants of the islands, both French and Dutch, would remain neutral; if they were



attacked by another nation, they promised to render each other mutual assistance (312, 425 ii). To the Governor it seemed that the treaty was not one of neutrality as it claimed to be, but really of defensive alliance against the interests of Great Britain (614). Both St. Martin's and St. Bartholomew afforded admirable bases for French privateers, and in case of a rupture between England and France they would form snug Dutch lurking places from which to attack any vessel sailing for Great Britain or Ireland from St. Christopher's, Nevis or Montserrat. French, Dutch and Danes in those parts had a fondness for one another that the English found particularly menacing. They were all alike interested in clandestine breaches of the Acts of Trade with the British colonies in peace time and in privateering enterprises during war (614).

When the papers concerning the treaty reached London, they were sent on to the British Minister at the Hague to make enquiries of the Dutch West India Company who had the principal direction of the affairs of the American colonies. It appeared that the people of St. Eustatia also desired to conclude a treaty of neutrality with the French to safeguard their trade, and this was of importance for the island, although it was without water and entirely dependent upon St. Christopher's to provide its vessels, was the greatest emporium of contraband commerce in the West Indies. The Board of Trade, to whom the Secretary of State passed on the papers, unhesitatingly condemned the treaty and recommended that the British Minister at the Hague should be instructed to make a protest to the States General. If the United Provinces and England were jointly at war with France in Europe, it was manifestly unfitting that the people of St. Martin's should be pledged to assist the French to resist an English attack and that all French ships ostensibly bound for that island should thereby be protected from arrest. Again, in previous wars with France the settlers in the weaker English islands had sent their choicest negroes and other valuable effects to St. Martin's as to an asylum in time of danger. The Board believed



that the second article of the treaty which forbade this right of asylum was especially directed against Nevis and Montserrat and was designed to tempt the English colonists to remove and incorporate themselves with the Dutch community in St. Martin's and St. Bartholomew (464 i, p. 374). That was a very likely danger among a population which was notoriously fluid and fickle, and where it was not at all unusual for a renegade Englishman to turn Dutchman or Dane if he could derive immediately some profit from his change of allegiance (*pp.* 56, 236). Governor Mathew was desperately anxious lest there should be this new drain upon the dwindling white population of the English islands. The Danes were particularly anxious to attract experienced English planters who would bring into their new colonies some capital in the form of acclimatised slaves. They had purchased from the French their rights in the island of Sta. Cruz or St. Croix (*C.S.P. Col.*, 1733, *pp.* xxix-xxx) and Great Britain had been searching for grounds of protest against the cession. But the Board of Trade could find nothing by its historical inquiries to justify English claims to a prior right of possession.

Sale of  
Sta. Cruz  
to the Danes.

There is a long and interesting letter of Governor Mathew on the subject among the papers of the present year (83) which confirms that opinion with actual details of what had happened in the Virgin Islands during recent years. There was no doubt that the French had held Sta. Cruz firmly for several years but abandoned it owing to its unhealthiness and removed the settlers to Hispaniola. Finding the island empty, about a hundred English wood-cutters landed just as the French did in Sta. Lucia and Dominica and settled there with no form of government, though nominally the commission of the King of France to the Lieutenant-Governor of Ste. Dominique as Governor of Sta. Cruz was continued (*p.* 57). Governor Mathew had no objection in peace to the possession of the island by the Danes. Their settlements at St. Thomas and St. John's always hurt us more by being at peace with us than at war, for it was the ease with which such nominally neutral islands could be used

Dangers  
to British  
commerce.

by French privateers to prey upon our commerce and dispose of their booty that made them expensive to us. "Whilst we are at war with our most dangerous enemy, the French," wrote the Governor, "these neutral friends at St. Thomas have always had their ports open to the French privateers"; this was always a safe retreat to leeward for their privateers and their English prizes when turning up to windward with them for Martinique or Guadeloupe would have thrown them in the way of our station ships that might retake them. Here, too, they found all intelligence of our shipping bound home and when, and worst of all, here our false brethren "even from [the English] islands would supply them constantly at noon day for an advance of but five per cent. with those sea provisions and stores without which half those privateers must have stayed at home" (83, p. 56).

This was one of the crucial points in the international history of the West Indies throughout the eighteenth century, and Governor Mathew brought it out as clearly as it appeared to every Admiral on that station from Benbow to Rodney. The danger to British commerce had been bad enough when the Danes held only St. Thomas, but now with St. John's and Sta. Cruz also in their neutral hands it would certainly be worse. But the ministers would not make up their mind to a definite policy to adopt. They preferred to leave the onus on the man on the spot, and all that he was supplied with on appointment was a very ambiguous instruction that he was quite uncertain how to interpret (p. 57). Was he to drive out the Danes as trespassers on St. Thomas and St. John's or was he to render the assistance to suppress the troubles among their negroes for which the Danish Governors were always asking? (p. 57).

Hesitation of  
the Ministers  
to interfere.

The Board of Trade received this pertinent enquiry from the Governor in June 1734 and in September they learned from the Secretary of State, Lord Harrington, that the Danish settlement of Sta. Cruz had actually begun (307 i). They hedged cautiously in offering advice to the Crown as to what should be done there, but they were quite explicit about St. John's, concerning which



they had received petitions for the recognition of British land purchases by settlers from St. Christopher (88). They recommended that the Governor of the Leeward Islands should be directed to dislodge the Danes from St. John and its valuable harbour if they did not remove themselves, their slaves and effects within a stated time (308, *p.* 203). However, no explicit orders were sent to the Governor, and he was not prepared to act without them. When Lord Harrington forwarded to the Board the documents on which the French based their title to St. Croix (388, 388 i, ii, iii) and the deed of sale by which they transferred that title to the Danish West Indian Company (388 iv), the Board were convinced. They advised the Committee for Plantation Affairs that both the Treaty of Breda and the Treaty of Neutrality of 1686 applied in the case, and that the British title to the island was so weakly supported that it was impracticable to insist any further upon a protest against its acquisition by the Danes (537).

Governor  
Mathew  
corrects the  
Board of  
Trade.

The last word on the matter rested with Governor Mathew in a letter to Alured Popple, the Secretary of the Board of Trade. He had so often had to accept reproofs from the Lords Commissioners that he must have had some satisfaction in being able to point out a mistake in the historical data which they had supplied to the Ministers. In their first survey of the history of Santa Cruz they had confused the island in the Leeward group with another off the coast of Yucatan. "Between friends," the Governor wrote, "their Lordships are quite mistaken when they give the discovery of our Sta. Cruz to Grijalva. He indeed discovered an island and called it Sta. Cruz, . . . but it lost that name and retains still its own old name Cozumel on the coast of Yucatan above four hundred leagues to the westward of the Caribbee Sta. Cruz. Besides, Grijalva was bound from Cuba westward to discover the Continent. How then should he fall in with an island above two hundred and fifty leagues to eastward of the port he sailed westward from?" (551).

Strength of  
France in the  
West Indies.

Mathew repeatedly emphasised in his despatches the fact that we had not in the West Indies either strength

within or without the islands to oppose any invasion, and insisted on the risk the nation ran in case of a sudden breach with France. He thought that it was not unreasonable to believe that the defenceless state of our sugar colonies might even prove a temptation to the French to attack them and strike there the first blow which could not fail to inflict great and irretrievable damage (106, *p.* 68). He had long been trying to obtain exact information as to the strength of the French colonies, and at last he procured and forwarded to Mr. Popple a list of the men able to bear arms in all the Caribbee Islands belonging to them. The person who obtained it for him in return for payment was ready to affirm upon his oath that he had made a copy of it out of the office books at Martinique (602), and it is therefore of some interest. There were in all 13,917 men able to bear arms, from the age of fourteen to sixty, of whom nearly 9000 were in Martinique. There were also 1389 regular soldiers, of whom 1312 were in that island, while there were still about 106 French families in the Neutral Islands of Dominica and St. Lucia, although by the agreements with Great Britain to which reference was made at length in the preceding volumes of this Calendar the French had covenanted to remove all their settlers (602 i).

Defects in the  
defences of the  
British islands.

While the fears of the outbreak of war with France were acute, the letters from every West Indian colony were filled with warnings about the defects in their defences and prayers for supplies of arms and munitions from England. The islands, with the exception of Jamaica, abounded with small defensive works to defend them against landing parties, but most of them had fallen into decay and their cannon were ruined by the ravages of the damp, hot climate. The Committee for Plantation Affairs were so disturbed by the representations of the colonial Governors that they ordered the Board of Trade to make an immediate enquiry into the defences of the islands and to present a report and recommendations (137). In the resulting memorandum the Board were quite unable to present up-to-date information, for they had none in their possession. They had to base their



account of the fortifications and stores on reports that dated from 1724, ten years before, in answer to the detailed enquiries that were then addressed to the Governors.

In Barbados there were then no fewer than 22 castles and forts and 86 batteries mounted with 463 pieces of ordnance but there were about 100 pieces of ordnance wanting to complete the fortifications. When Lord Howe made his requests for further ordnance in 1734 (1), most of those which had been enumerated ten years before must have become useless. Their carriages rotted and decayed and the metal of the guns was honeycombed so that the pieces were unusable (256, *p.* 177). Similar conditions existed in the Leeward Islands, and the fortifications of Nevis and Montserrat were entirely ruined, so that the islands seemed to be incapable of putting themselves in a position of defence even against raiding parties such as had attacked them during the last war twenty-five years before (*p.* 178). The only fortifications of which the Board of Trade gave a better report were Monks Hill Fort in Antigua, which mounted 42 pieces of cannon guarding the main magazine of the islands, and the fort erected on Brimstone Hill in St. Christophers which was the completest work of the kind in the West Indies and well supplied with all necessaries for defence (256, *p.* 178).

Soldiers and  
militia.

The land defence of the Leeward Islands was nominally provided by a single King's Regiment whose companies were dispersed in the various islands but it was so decayed that it can have been of very little use. The three companies in St. Christopher's, for example, could not number more than 70 effective men, and they had not sufficient barracks for shelter even from the inclemency of the weather (172, *p.* 106). Although the militia were estimated to number 3513 men in 1724, they were so ill provided with the small arms and accoutrements which the islands had to provide at their own expense that it was to be doubted whether they had the arms required by the laws and whether such as they had were in a good condition for service, arms of all sorts and particularly

firelocks being more subject to decay in hot countries than in more moderate climates (*p.* 177). The efficiency of the militia was impaired, too, by the jealousy of the islands. When one of them was threatened, the others remained cold and unresponsive to appeals for help, and though they were all under one government the four colonies could only be forced to take common action for their defence by the exercise of the Governor's authority as Commander-in-Chief. "These islands" wrote Governor Mathew "are a little too tenacious of what they call their own. One island might be attacked, the others grumble at my supplying urgent necessities" (259).

Weakness of  
the Bahamas.

The conditions in the Bahamas were far worse than those in the Leeward Islands, for the independent company in which the only soldiers were grouped seems to have been utterly useless for any action, although the colony lay right in the jaws of the Spaniards. If war broke out in Europe, the inhabitants were under very great apprehensions that they must very soon fall a sacrifice either to the French or the Spaniards as they had often done before. The Governor believed that the whole Company had not twenty muskets among them that could be discharged three times successively without bursting, and the solitary fort in the islands could not be defended against three hundred men. Three-fourths of the inhabitants had no arms of any kind nor were able to buy any (36, *p.* 32). Plans had been made for the erection of defensive works and an engineer sent out from England, but owing to jealousy between him and the Governor and the red-tape of the Board of Ordnance which desired to keep the whole business in their own hands nothing was done to carry out the plans that had been made, and the islands remained defenceless (*p.* 33).

Fears of  
French  
preparations.

The apprehensions of the colonists were entirely natural if the news that reached them of the French preparations at Martinique could be believed. Thus in February 173 $\frac{1}{2}$  a naval vessel arrived in Barbados bringing an account that they had mustered a force of 26,000 men with two men-of-war and sixteen sloops, ready at an hour's warning for a descent somewhere the moment a



war was declared (106 i). But in England those fears were discounted by some responsible persons like the writer of the unsigned and undated memorandum which probably may be assigned to April 1734 (108). He believed that, although during the late wars there were raids on both sides and both English and French islands were plundered, the French would be unlikely to divide the inhabitants of their colonies to undertake plundering expeditions, for then they would be too weak to defend themselves in any place and consequently would be in danger of being invaded and destroyed by a superior force sent out from Europe. This represents a third view as to the proper course to pursue for the defence of our island colonies. The first was expressed by those who placed their hope in the land fortifications which had been scattered so widely but whose maintenance in an effective condition was proving so ruinously costly that, as the report of the Board of Trade showed, they had fallen into grievous disrepair during the years of peace. The second school of thought is well represented in a memorandum from Barbados which was presented to the Duke of Newcastle and the Board of Trade in April 1734 (106, 107).

Proposals for  
naval defence.

It was proposed that a squadron of 12 sail should be permanently maintained in the Caribbean, six being based upon Barbados where Carlisle Bay afforded excellent opportunities for careening and refitting, and six upon the Leeward Islands with a very good and safe anchorage at English Harbour in Antigua (*p.* 70). The permanent maintenance of such a squadron would be a means either to prevent or destroy the great number of privateers which the French would in all probability fit out to destroy the trade to all the Sugar Islands, as they did in the last war. The ships would be a better means of preventing raids than the small land fortifications on which so much money had been wasted but which had then proved quite ineffective in preventing the French from over-running Nevis and Montserrat. To this argument it was replied that if ships were kept constantly on the West Indies station there was certain to be excessive mortality among their crews. "To send

numbers of ships of war whose seamen have always proved sickly and died in great numbers when they have continued any time upon a suspicion or supposition of a war only [would be most injudicious]; they might be incapable, if a war should break out, *even*<sup>1</sup> of bringing their ships back again without more men and more ships being sent to strengthen and relieve them " (108). Ships sent to Jamaica could not possibly be of service in the protection and defence of the Windward Islands, as the course of the winds and currents in those parts is almost constant and invariable, setting from those islands to Jamaica but not from Jamaica to them (*p.* 70).

Further details concerning the defences of the islands may be gleaned from most of the despatches of Governor Mathew from the Leeward Islands and of Lord Howe from Barbados, but reference may be especially directed to the following papers,—Nos. 1, 11, 13, 17, 29, 36, 39, 70, 74, 106, 129, 137, pages 88, 152, 154, 156 and 256. As the probability of immediate war with France died away there were fewer references to the problems of imperial defence, and from the summer of 1734 onwards to the close of the period covered in this volume there are no further outstanding references to the subject to which attention need be specially directed. The depredations of the Spaniards from Puerto Rico on the ships trading with St. Christopher and the Virgin Islands were particularly acute in 1735 and there was a great agitation in the islands for the granting of letters of reprisal against them (508 and 508 vi). Copies of the lengthy informations which were sent to Governor Mathew as evidence of the details of these piracies were forwarded by him to the Duke of Newcastle (e.g. 508 i–vi), and they show that there was what amounted to a state of local war in those troubled seas. Most of the ships that were attacked were owned in the islands or came down from Rhode Island and Massachusetts, but on occasion the larger ships that traded across the Atlantic were attacked. In the Bahamas, too, there were constant depredations by small Spanish vessels and even guarda costas which attacked

Spanish  
depredations.

<sup>1</sup> "ever" in the text; but the substitution seems to make better sense.



the men who were carrying on salt-raking on the lesser islands of the group (*p.* 204).

Complaints  
of Spain.

Complaints were not all on one side, for the Spanish Government often had valid grounds to complain to Great Britain of the actions of her subjects and even her officers in the West Indies. In one of these protests an interesting point occurred involving the question of slavery in international law. The Spanish Government protested formally to the Duke of Newcastle that many of their Indian subjects were being seized on the shores of Campeachy and the Gulf of Mexico and carried away into slavery in the colonies of Virginia and Jamaica where they had appealed to visiting Spanish officials for help. The Duke forwarded this protest to the Governors of the colonies concerned with a request for their report (481, 481 i) and it was in Lieut. Governor Gooch's reply that the question of the legality of Indian slavery appeared.

Legality of  
Indian slavery.

He told the Duke that since Virginia was separated from all the Dominions of the Crown of Spain by a tract of lands of many hundred miles extent, we had no manner of commerce with them by sea. If any of the subjects of the Crown of Spain had at any time come into Virginia, it must have been either as captives taken by foreign Indians or by ships of war or privateers in time of war. If they had been sold in the colony, they must have been slaves before then, because our laws forbade the keeping any one a slave who was before a freeman in any Christian country whatsoever. When, about 1719, a Jamaica privateer brought into Virginia a Spanish prize wherein were several mulattos and Indians, said to be Spanish slaves, they could not find purchasers, the people scrupling to buy any that they were not well assured were slaves before the capture. There had been many instances of negroes set at liberty by our courts of judicature upon proof of their having been free in the country from whence they came. In the Lt. Governor's opinion, however, some distinction ought to be made of Indians taken in war by other Indians, not under the obedience of either the Crown of Spain or of England, and purchased from the captors, since the right of the conqueror was frequently

transferred by the purchase. This case frequently happened amongst the Indian nations bordering on Florida and the Gulf of Mexico, and the Spaniards made special complaint of the Moskitos in the regions bordering on the Provinces of Honduras, Nicaragua and Campeachy and accused the masters of the ships of the Assiento of carrying off many Indians. The Moskitos, blacks and Zambos of the region were admittedly under the protection of the English in the colony of Jamaica and they sold their Indian captives to buy guns, powder and ball. This was the special case to which Gooch referred in his reply. He explicitly contested the Spanish claim that the selling of any Indians was contrary to the natural law of mankind (481 i) and he strongly maintained the right of their purchasers to any Indian slaves captured in native wars. To him it seemed agreeable both to the law of nature and of nations that such captives should be considered after they were sold as if they were still in their captor's possession from which they could not be reclaimed without a previous stipulation (578).

The House of  
Commons and  
Spanish  
depredations.

The rising interest of the House of Commons in American affairs had been to some extent excited by the news of Spanish attacks upon our West Indian commerce and the members were anxious to press on the ministers to reprisals. In May 1735 the House presented an Address to the Crown praying for copies of all representations, memorials or petitions to the King, the Secretaries of State, the Admiralty or the Board of Trade since 1725 relating to the losses sustained by H.M. subjects by depredations committed by the Spaniards in Europe or America. In forwarding the Address to the Board the Duke of Newcastle instructed them to prepare the information required for presentation to the House in the following session (580, 580 i), but the work had not been completed within the period covered by this volume. The Address is worthy of note here as marking another stage in the rise of the agitation which four years later was to precipitate the outbreak of the War of Jenkins' Ear.

Louisbourg as  
a menace to  
British interests.

The dangers anticipated from the French in the Caribbee Islands fill a longer space among the documents



here calendared than do their activities on the continent of America, but their fortress at Louisbourg was referred to in many letters as a most serious menace to British interests and the officers in Nova Scotia endeavoured to supply the Government with all the information they could gather concerning its garrison and fortifications. Captain Cotterell, the naval commander at Canso, sent in a report that showed the magnitude of the fisheries of Cape Breton and the very considerable strength of the garrison occupying Louisbourg which exceeded anything held by Great Britain in one place in the western seas (504). Lieutenant-Governor Armstrong and the officers in Nova Scotia had a few months before sent a memorial to the King representing the danger arising from the defenceless condition of Canso which they believed would inevitably fall into French hands if it were not strengthened by vessels of force and a good fortification. It was the only place in Nova Scotia that could be said to have been frequented all along by a considerable number of British subjects resorting thither to carry on fishing from Great Britain or from New England, New York and other plantations. Its reduction would not only affect the traders who resorted thither, but would be a great augmentation of power to the French and render them the more able to annoy the British garrison at Annapolis and the whole of the coasts of New England which would be continually infested by privateers to the utter destruction of their trade. The French inhabitants of Nova Scotia and the Indian savages had lately become extremely insolent, and it was believed that they had been promised assistance from France for the reduction of the Province immediately upon the first declaration of war (*p.* 162). Governor Philipps, who had seen long service in Nova Scotia, but was now in England gave evidence from his experience as to the unrest among the Indians that was excited by French intrigues and kept stirring ever since the last Indian war which lasted five years. It proceeded from the councils of the French by whom the savages were furnished with ammunition. "Whenever they shall see good to begin another," the Governor wrote, "it matters

French  
influence with  
the Indians.

not what pretext they make, whether any or none, for when called to arm against H.M. Government they will always be ready. They are so firmly attached to that interest by inclination and yearly pensions and proud to be called the Allies of France, and in regard to us are taught to hold the Government in so great contempt on the score of religion equal to the most bigoted Papists that they are not to be drawn from that party by all the douceurs or presents the King shall make them ; this is a certainty we are to depend on ; . . they will take all, whatever we give them, and cut our throats next day if our neighbours see it their interest to disturb our settlements ” (398, p. 317).

South Carolina  
and the Indians  
on the frontier.

South Carolina sent a long and interesting representation to the Crown to show the rapidly increasing menace to British interests from the French advance among the Indian tribes along the Mississippi. The numbers of French and Indians who roamed along the inland borders of the frontier provinces of Carolina and Georgia would, in time of war, expose them to imminent danger, as the memorial pointed out (251, p. 173). The French natives of Canada came daily down in shoals to settle all along the Mississippi where they had many forts and garrisons on both sides of that river for several hundred miles up from New Orleans which town had considerably increased in strength and traffic. Many regular forces had lately been sent over by the King of France to strengthen his garrisons, and new forts had been erected in the country between the Mississippi and the Carolina border to bring the Indians of the Choctaws and the Creeks under their subjection (*pp.* 170, 171). They had a large force of wood-rangers constantly employed among the tribes who had become thoroughly acquainted with the Indian way of warring and living in the woods, so that the French had numbers of white men among them able upon any expedition to perform a long march with an army of Indians. The settlers were encouraged by the priests and missionaries among them to take Indian wives, and especially among the Creeks they were using every sort of alluring method and liberal presents to detach them from the British and gain them over to their interest (251 i, p. 171).

The French  
on the  
Mississippi.



Creeks,  
Choctaws and  
Cherokees.

The memorialists feared that by the increase of French traders among them and the better exchange of blankets and other goods often of British manufacture which they offered for the Indians' deer-skins the Creeks would soon become wholly our enemies and they would be aided by the Cherokees who for the sake of our booty would desert the British side and readily join to make our colonies a prey to the French and the savages. These Cherokees had lately become very insolent to the King's subjects trading among them, notwithstanding all the favours and presents they had received, and this indicated that the French by their Indians had been tampering with them to reduce them from a steady loyalty to the British side (*pp.* 172, 173).

Reports of  
the legal  
advisers upon  
colonial laws.

Turning now from these external affairs to matters of general administrative or constitutional interest we note that such points appear only incidentally and that there was no constitutional question of outstanding importance under discussion during the period covered. The long delay that sometimes elapsed between the presentation of reports upon colonial laws from their legal advisers and any action upon them by the Board of Trade is illustrated by a group of documents here abstracted which date back to 1725. They are reports by Richard West, the legal adviser to the Board of Trade, upon 37 Acts passed by the Legislature of Massachusetts in 1715-18, one Act of 1718, twelve Acts of 1720, five Acts of 1721 and eight Acts of 1723. The reports were received by the Board of Trade in May 1725, but it was not until November 1735 that they were read. To the large majority of the Acts Mr. West had no legal objection, but in each group he found at least one to which he had to express an adverse opinion. In each case it was recorded that the Act was not presented to the Crown and consequently might be repealed, and it may be that this accounts for the exceptionally long delay of ten years between the receipt of the legal adviser's opinion and its presentation to the Board (*See Nos.* 562, 563, 568, 569, 570). According to the report of the Board to the House of Lords, to which reference was made above, in cases where laws had been passed which might be

repugnant to the laws or interest of Great Britain but the Board were doubtful of the effect they might have, it was customary to let them lie by probationary, being still under the power of the Crown to be repealed in case any inconvenience should arise (*pp.* 12-13). It may be that in this case we have an example of such probationary lying-by.

The report of the legal adviser upon a colonial Act might be very long delayed after its passing by reason of the fact that the Act was never submitted to him. Thus Francis Fane gave his report upon an Act of the Leeward Islands passed in 1705 only when the Act was submitted to him in 1734. There was even then no hurry, for his report was not read to the Board until eight months later (March 1734½—December 1735). The Act in question related to the method of barring entails without the passing of a private Act through the Assembly, but as Mr. Fane shrewdly remarked it was not very successful, for in his own term of office many Acts of Assembly for barring entails had come before him which seemed as though the new method was not generally approved of (67).

Expiration of  
temporary  
Acts.

A difficult legal point had arisen in 1731 as to what was the position after the expiration of a temporary Act, and the final decision on the point was only reached after much discussion that occupied three years. It was recorded in an Order-in-Council in January 1734. The point arose on the number and regulating of the House of Representatives in Massachusetts which down to the 13th year of George I were governed by an Act passed under William and Mary. In 13 Geo. I an Act was passed repealing the first clause of that Act and increasing the pay of the members. This Act was only temporary, and when it expired the question appeared as to what was the legal position. The Massachusetts Assembly passed a new Act restoring the position as it was under William and Mary, but the considered view of the authorities in England was that this Act was unnecessary, since the repeal of the Act of William and Mary ceased to be of effect as soon as the temporary Act including it expired. The



old system then resumed in full force (8). The point was a very knotty one, but was of importance since colonial legislatures frequently passed temporary Acts in order to escape the difficulties sometimes caused by the Crown's power of disallowance.

Repeal of  
Pennsylvania  
laws.

The complexities and technicalities of procedure under a system or rather a lack of system that had grown up under charters of different origin and different date are illustrated in an opinion of Francis Fane concerning the proper method of repealing a law of Pennsylvania. This had been done in several cases by Order-in-Council authenticated by the Council Seal, but reference to the Pennsylvania Charter showed that no repeal of any Pennsylvania law was valid unless declared to be void under the Privy Seal, that method being expressly directed by the Charter. In order to render the repeals effective it was necessary therefore to pass a special Act removing the informality (491).

The power of  
disallowance as  
a safeguard  
of liberty.

The power of disallowance of colonial laws was upon occasion an undoubted safeguard of popular liberty, and it was set in motion by the action of petitioners to the Crown for protection. In South Carolina an Act had been passed which denied to two persons their rights under the Habeas Corpus Act and indemnified in retrospect those who had acted in regard to them in an illegal and arbitrary manner and in violation of the liberty of the subject. The aggrieved persons therefore petitioned the Crown for redress, and the petition was referred to Mr. Fane. He gave an opinion entirely adverse to the South Carolina Act which suspended the right of Habeas Corpus in a particular case in order "to oppress and injure H.M. subjects without any just cause and screen themselves from the resentments of the injured who feel the weight of their power" (15). The only suspension of the Habeas Corpus Act in England was in the time of open rebellion or the certain apprehension of it or when the Government itself was in the most imminent danger. To suspend it in a particular case by legislative action seemed to the legal adviser quite contrary to the dictates of justice and he recommended the disallowance, which

Protection  
of vested  
interests.

was accordingly recommended by the Board of Trade to the Committee for Plantation Affairs (15, 46).

In that case the power of the Crown was invoked to protect the liberty of the subject, but in another in which the advice of their counsel upon a colonial Act was sought by the Board of Trade it was the protection of vested interests that was at stake. The question of fees in Barbados had long been a subject of dispute and the legislature had passed an Act for regulating and appointing the fees of the several officers and Courts which gave power to the Governor to fix the rates demanded. These fees had been settled ever since 1668 according to a table then agreed upon and they were collected by the deputies of patentees most of whom were absentees and who regarded their offices as sinecure freeholds. It was these patentees who appealed for the disallowance of the Act as infringing their rights of property. The report of the legal adviser, however, based his objection to the Act as an infringement of the royal prerogative and the penalties imposed under it as contrary to justice since they enabled the patentees to be stripped of their freeholds in a summary and arbitrary manner without opportunity of defending themselves before a jury. The whole of this report is of interest as showing the attitude of the time towards the question of these patent places in the colonies which were held by absentees and were to remain a constant grievance to the colonists throughout the next hundred years (124).

The most notorious protagonist in this question of fees was Wavell Smith, the pluralist Secretary of the Leeward Islands to whose disputes with the Governors and the local legislatures over his claims reference has been made in earlier Introductions. There is a long letter here from him to Mr. Popple which illustrates the outlook of a colonial official of the time in the petty governments with which the West Indian colonies were burdened. It shows how petty were the tangled disputes with the legislatures and their appeals to precedents and legal minutiae, but in Wavell Smith's case he was actually resident in the colonies and performed certain of his duties. Most of the patentee officers however, were non-resident and in fact had



never visited the colonies, so that the squabbles over their rights were entrusted to local agents and carried on in the narrowest legalistic temper (198).

Defects of  
series of  
colonial  
accounts.

The causes of the imperfection of the series of colonial accounts preserved among the public records but not calendared here are explained in certain of our documents. Nominally the Treasurer's accounts of every colony ought to be sent to the Deputy of the Auditor of Plantation Accounts and by him examined. Copies were also to be transmitted by the Governor to the Board of Trade, but in both cases the transmission was very faulty and the series was never complete. The cause of this in the Leeward Islands for example is illustrated in a letter of Governor Mathew to Mr. Popple in which he explained the difficulty he found in collecting the records and accounts demanded by the Board (530, *p.* 405). Not merely were the accountants remiss in submitting their accounts for audit, but a different system was in common use in certain colonies. When the Board of Trade, for instance, were called upon by the Committee for Plantation Affairs to inform them of the amounts expended in Barbados and the Leeward Islands upon their defence it was impossible for them to give a definite reply. It was known that since 1688 the colonies had raised great sums of money and made large assessments upon themselves for building and repairing their fortifications, for supplying their militia and their magazines with arms and military stores and for similar purposes. "But" wrote the Board "we are not able to ascertain the particular sums that have been raised and applied to these purposes, because the auditing the public revenues in those Islands has been generally reserved by the Acts which gave birth to them to a Committee of the Council and Assembly in each Island; insomuch that the Deputies to the Auditor of the Plantations who reside constantly in Barbados and the Leeward Islands have not been able to transmit duplicates of those accounts to the Auditor's office; and the instructions which have been constantly given to the Governors of all H.M. Plantations to transmit duplicates of all public accounts properly audited and attested to the

Lords of H.M. Treasury and the Board [of Trade and Plantations] have not been regularly complied with" (pp. 178-9. See also 168, 190, the information from the *Agent for Barbados upon which this report was based.*)

Economic  
conditions of  
colonial trade.

The papers of economic bearing during the period here covered do not contain much of particularly outstanding interest and they will be mentioned under the particular colonies to which they refer. There is, however, one exception to this in the comprehensive report (457) prepared by the Board of Trade in compliance with the Address from the House of Lords and presented in January 173 $\frac{1}{2}$ . In that report some space is given to a survey of the strength and state of the various fortifications in the island colonies to which reference has already been made, but its most interesting passages are devoted to the commerce of the islands generally with special remarks upon the trade of each in turn. The fullest account is of the trade of Jamaica which is analysed in considerable detail. For the four years 1728 to 1732 the average annual export of manufactures and merchandise from Great Britain to the colony, including German and Dutch linens and East India stuffs and calicoes, amounted according to the Custom House accounts to £147,675,<sup>1</sup> while the medium of imports thence came to £539,500<sup>1</sup> including indigo which was formerly a production of Jamaica but was now brought thither from the French islands. This gave an annual excess of imports into Great Britain £391,825<sup>1</sup> and the Board set out the reason for this large difference.

Analysis of  
the trade of  
Jamaica.

"It must not be imagined," they wrote, "that this excess is a debt upon Great Britain to the Island of Jamaica; a part of it must be placed to the account of negroes sent to the Spanish West Indies by our South Sea Company, the produce of which is returned to England by way of Jamaica; another part of the debt due to our African traders from the people of Jamaica for the negroes which are purchased and remain there for the service of the Island; a third proportion must be placed to the account of our northern colonies on the Continent of

<sup>1</sup> To the nearest £.



America, who discharge part of their balance with Great Britain by consignments from Jamaica arising from the provisions and lumber with which they supply that island. The remaining part of the excess in our importations from this colony is profit made upon our trade, whether immediately from Great Britain or by way of Africa ; and lastly it is a consideration of great importance in the general trade of Great Britain that part of the sugar and merchandise which we bring from Jamaica is re-exported from hence and helps to make good our balance in trade with other countries in Europe. . . . From the coast of Africa large numbers of negroes are carried to Jamaica, of which many are re-exported from thence by the South Sea Company to make good their Assiento contract with the Spaniards, another part of them are re-exported by private traders both to the Spanish and French settlements in their neighbourhood ; some are sent to the British Colonies in North America, and the rest are purchased by the people of the islands to carry on their sugar works and plantations " (*pp.* 357-8). According to the Naval Officers in Jamaica Ireland always supplied that island with large quantities of beef, pork, butter and other provisions for which the returns were generally made to the United Kingdom, since the people of Ireland were not, with some minor exceptions, allowed to import colonial produce direct.

Balance  
of trade.

Similar facts were given for the other island colonies and the detailed statistics are set forth in No. 372 i, *p.* 282. For Barbados the medium of exports annually between 1728 and 1732 was £85,781,<sup>1</sup> and of imports £246,600<sup>1</sup> giving an excess of £160,519.<sup>1</sup> For the Leeward Islands the medium of exports annually during the same period was £69,411<sup>1</sup> and of imports thence £642,269<sup>1</sup> leaving the very large balance of £572,859. The people of the Leeward Islands sometimes purchased negroes on the coast of Guinea with their own rum which was a valuable commodity there (*p.* 360).

The South Sea  
Company and  
Jamaica.

The business of the South Sea Company in their operation of their Assiento contract in Jamaica gave rise to

<sup>1</sup> To the nearest £.

c—(1).

constant difficulties and there are several references to them among our documents. The principal are the memorial from Governor Cunningham of Jamaica (343, 368 i) praying the restoration of liberty to the Legislature to lay a small duty on the import and export of negroes which they had enjoyed from the year 1693 until it was forbidden in the Instructions to Governor Hunter in 1727. Despite this instruction he gave his assent in 1732 to an Act laying a duty of £10 on every negro imported and sold, and against this Act the merchants trading to the island appealed (91 i), while the South Sea Company presented a counter-memorial to that of the Governor and set out their views of the benefits conferred upon Jamaica by their trade there (390). They held that those were so considerable that they ought not to be taxed at all since they neither owned lands nor were they like merchants sending cargoes thither to trade for profit. They saw no more reason to tax the negroes bought for the use of the Assiento than there would be to make a passenger in an inn at a thoroughfare town contribute to the parish rates. In reality, of course, such a passenger would contribute in the increased cost of his board and lodging, but this was slurred over in the Company's contentions. They were quite determined, however, to use their considerable political influence in opposition to the tax and in the last resort they threatened to remove their staple to some other colony (*p.* 311).

Slaves from  
Portuguese  
Angola.

As a rule whenever the source of the slave cargoes is given it is mentioned under the general name Guinea, i.e. the African coast round from the Gambia to Whydah. In one instance, however, we find mention of the importation of 318 slaves from Angola direct to South Carolina (547, *p.* 416). This shows that the transaction was not regarded in any way as exceptional and we may therefore safely assume that there was something of a slave trade to the Portuguese possessions south of the Equator whence, of course, most of the slaves exported went to Brazil.

Cultivation  
of hemp.

The efforts of the Home authorities to encourage the production of naval stores in the colonies were unremitting



and circular letters for the promotion of this industry were sent out in May 1734 to the Governors of all the colonies (184, 185). Especial efforts were made to encourage the production of hemp, and in certain of the northern colonies bounties were promised for a period of three years (595) and free seed supplied (587, 595, 613). But in each case the hopes of the promoters were disappointed, largely by reason of the fact that the people would not take up methods of cultivation to which they were unaccustomed. In South Carolina an expert who was sent out to undertake the promotion of hemp-growing had to return a most disappointing report. He was of opinion after a survey that a great part of the Province was suitable for growing hemp, but he found that "the planters are so much attached to following rice being a commodity mostly contracted for paying the merchants and factors for negroes etc. and most of the inhabitants are so much in debt that they are fearful of entering upon new projects till they are further convinced of the difference between hemp and rice" (379, *p.* 289 and 557). The Council and Assembly ordered a book to be printed and published at the public charge with directions for sowing hemp and flax in South Carolina, but those cultures did not flourish and rice remained still the staple product of the colony in addition to the tar and pitch which were being largely produced (*p.* 291).

Thomas Coram  
and  
Nova Scotia.

The only serious proposal for a new colonial adventure during the period came from Captain Thomas Coram who submitted a memorial signed by 102 persons and prayed for the grant of letters patent for the establishment of a new colony on the shores of Nova Scotia to be established by the petitioners (546 i). Their essential plea was that the Crown in addition to granting free land would also grant free passage to them and their families and maintain them for a year after their arrival (546 ii). Coram had put forward similar petitions on previous occasions and it was unlikely that this one would have a more favourable reception from the authorities in view of their already heavy commitments in respect of Oglethorpe's scheme in Georgia which was still in its very early struggles. There

was one novel point about the scheme, however, in that Coram linked together his project of peopling Nova Scotia with a suggestion for salt raking in the island of Exuma and of Cat Island in the Bahamas which might provide a perpetual supply of salt for all the King's subjects in North America (546 i). The idea was not very promising for the Board of Trade knew that salt-raking was already practised in the Bahamas as one of their main industries and yet it did not grow and there were constant complaints of the poverty of the colonists there.

A vague  
colonising  
project.

Besides this proposal from a responsible projector like Coram there was one of a peculiarly vague kind from a merchant of London named John da Costa praying for the grant of a large tract of land on the coast of America whose position was no more clearly indicated than by the statement that it bordered the sea and lay 400 miles distant from any European settlement. Da Costa appealed for a grant empowering him to take possession of any countries whatsoever in America as yet unfrequented by Englishmen or any other Christians (9 i), and naturally his application received short shrift from the legal advisers of the Crown. The precedents quoted by the petitioner from Rymer's *Foedera* of the grants to John Cabot and Sir Walter Raleigh were valueless. They were made "in the infancy of these discoveries and being founded on a pretended zeal for propagating the Christian religion by very unchristian methods" they were not precedents to be followed. The petitioner did not think to discover and describe particularly where the tract of land he proposed to settle lay but prayed for a commission to take possession of any countries or places whatsoever in America as yet not frequented or inhabited by any of the King's subjects or in the possession of any Christian Prince or State. Such an unlimited power the petitioner might exercise contrary to the Law of Nations and the interests of the Crown, and the Law Officers were wholly averse to granting the petition (241 ii).



## § II.

## THE AMERICAN COLONIES.

Purchase of  
the Campbell  
rights in  
Nova Scotia.

The Campbell claims in Nova Scotia were still not finally settled, since although it had been decided to pay the claimant out there were doubts as to what should be paid to her (42). In reply to enquiry from the Treasury the Board of Trade emphatically stated their conviction that Mrs. Campbell's rights should be purchased and extinguished, and they pointed out that their views were accepted by the Committee for Plantation Affairs and there ought to be no delay because without this purchase it was doubtful whether the Crown could grant any land in Nova Scotia. Mrs. Campbell was in a very weak state of health and should she die and her rights devolve upon her children it might not be possible for many years to complete the bargain. Under these circumstances the Board of Trade thought 2000*l.* was a reasonable sum to pay and they recommended that the bargain should be executed at once (93). There are various documents relating to the bargain and the method of carrying it out (*e.g.* 59, 64, 330) but ultimately agreement was reached and Mrs. Campbell accepted 2000*l.* in full settlement of all her claims with the right to collect what arrears of quit-rents from her tenants she could (330). Thus the long dispute was brought to an end and one of the principal obstacles in the way of the establishment of British settlers in Nova Scotia being removed it was proposed by Mr. Bladen that the Board of Trade should be directed to consider the most speedy and effectual methods of peopling the Province and should receive proposals for that purpose from any of H.M. subjects or even from foreigners, being Protestants (3 June, 1735, 592 ii).

Proposals for  
colonising  
Nova Scotia.

The project of Capt Thomas Coram for this purpose has already been mentioned and it should be compared with a long memorandum prepared by Mr. Bladen at the personal request of the Duke of Newcastle entitled "Reasons for the immediate Peopling of Nova Scotia." Many of the reasons set forth are the general arguments of the period which were the common stock-in-trade of the promoters

of colonisation, but in other ways the memorial is an important document as showing the basis of the colonial policy of the ministry. The nature of the French menace to the British occupation of Nova Scotia is succinctly set out (*pp.* 456-7) and the dangers arising from the 3000 French inhabitants still remaining in the heart of the Province who had only recently and with great difficulty been prevailed upon to take the oath of allegiance to the Crown. Such reasons for the settlement could readily be admitted, but when it came to the practical means for promoting emigration to the Province Mr. Bladen's arguments wore thin. It was clear that considerable expense was involved, and he could only point out that the zeal which some gentlemen had shown of late for making settlements and for securing our southern frontiers on the continent of America in Georgia would reflect some discredit upon the public if the same or greater care were not taken of our northern frontiers where our rivals on that continent were much stronger than in any other part (*p.* 457).

The only source of money to promote the enterprise that he could indicate was the residue of that arising from the sale of the French lands in the island of St. Christopher, and Bladen suggested that this should be laid out on the poor Protestants all over Germany who were obliged to leave their native land on account of religion. But in this there was nothing new, for Jamaica and South Carolina had already made great efforts in that way. Some assistance might also be had from the gradual discharge of the soldiers of the regiment occupying the colony, if they were married. No new recruits should be raised for the regiment for the future without wives, for "without women, should they be recruited to Eternity, they would still be like the first Romans *populus minus generationis*." Bladen admitted the paucity of his practical suggestions and referred to the many reports of the Board of Trade on the subject, but his memorial is of some interest as anticipating the actual schemes adopted by the Government for settling the Province a few years later (592 i).



Governor  
Phillips'  
account of  
Nova Scotia.

Governor Philipps, who, from his long experience in Nova Scotia was best fitted to advise the Board of Trade on the practical policy to adopt, gave a very depressing account of the present French inhabitants of the Province and of the practicability of furthering the progress of the colony by their means. " They are rather a pest and an incumbrance " he wrote " than of an advantage to the country. [They are] a proud, lazy, obstinate and untractable people, unskilful in the methods of agriculture, nor will be led or drove into a better way of thinking. They raise ('tis true) both corn and cattle on marsh lands that want no clearing, but they have not in almost a century cleared the quantity of 300 acres of wood land. From their corn and cattle they have plenty of dung for manure which they make no use of, but when it increases so as to become troublesome, then instead of laying it on their lands, they get rid of it by moving their barns to another spot " (262). To the Governor this seemed amply to prove his evidence as to their unskilfulness in agriculture. " The lands will remain uncultivated and not cleared and the production of naval stores of all kinds neglected until it shall be blessed with better inhabitants or that such another spirit shall appear in behalf of Nova Scotia as has lately been exerted in the settling of New Georgia, whereby that province may be put into a degree of strength equal if not superior to the neighbouring French settlements of Canada and Cape Breton, both which are become formidable, whilst Nova Scotia lies almost naked and defenceless " (262).

Land tenure.

These general opinions of the Governor who was now non-resident in the colony may profitably be compared with the evidence of his deputy Lieutenant-Governor Armstrong who was actually administering the government and had to collect the quit-rents and seigneurial dues from the inhabitants. His despatches (*especially* 163) give us many exact details as to the holding of land in the Province. Almost none of the inhabitants possessed less than an extent of land measuring a mile in front of the coast and a league backwards without any obligation of fencing or enclosing. For this they paid quit-rents

which were but trifling compared with those charged in other colonies, but British adventurers would not come in to take up similar lands because the upland which formed a great part of them was so very barren and mountainous with a thin sandy soil that it was not worth .1*d.* sterling per 100 acres per annum and would never repay the cost of enclosure. Armstrong's shrewd opinion was that " H.M. revenues interest in this as well as in his other Provinces to the southward would sooner increase and be supported by trade and navigation carried on in time by British subjects settling " with the annual acknowledgment of a peppercorn than with a quit rent of ten shillings per acre. Adventurers could only be encouraged to come and prove the soil by the offer of advantages such as these (163, *p.* 99).

Canso.

As in immediately preceding years there are many references to Canso and its affairs among our documents, but they are largely in repetition of the points to which attention has been drawn in preceding Introductions and need not be specially noted. According to Lieut. Governor Armstrong Canso " has been the only place in [Nova Scotia] that can be said to have been frequented all along by a considerable number of British subjects. It hath therefore given great encouragement and support to the British interest [in the Province], so that its reduction would not only very much affect those traders who resort thither from the Plantations but would be a great augmentation of power to the French and render them the more able to annoy " the colony as well as the other parts along the coasts of New England which would be continually infested by privateers (245, *p.* 162). It was for this reason that the commanders of the garrison were unremitting in those applications for further means of defence for Canso of which so many are to be found among our papers.

New England  
and the Canso  
fishery.

Details concerning that defence and particulars about the neighbouring French stronghold of Louisbourg are to be found in the answers of the naval commander on the station to the Heads of Enquiry addressed to him. Capt. Cotterell's answers to those for 1734 were particularly



explicit and afford first-hand evidence for the fact that the Canso fishery like most of the fishery off the coast of Nova Scotia was mostly carried on by New Englanders, there being very few Englishmen in this fishery (504, *pp.* 395-7). The fishery was not carried on with ships and boats as in Newfoundland but with schooners and sloops from 20 to 60 tons and the seamen was always upon shares.

Newfoundland. The naval commander on the Newfoundland station was an Irish peer, Lord Muskery, and his answers to the routine Heads of Enquiry (361 i) contain nothing very different from those of his predecessors. He re-emphasised, however, a point in which the Newfoundland differed from the Nova Scotia fishery. In the former the ships coming from Bideford and Barnstaple retained the old custom of allowing shares to their ships' company. All others using the trade gave wages which were certain in amount. The charge of setting forth one ship of 100 tons for the voyage with ten boats and five men would amount to 1500*l.* sterling. Much of the fishing was now carried on from the shore by the inhabitants who employed their own servants for taking and curing fish and allowed to each boat, costing from 100 to 120*l.* sterling, five men affording their fish at the same price as the fishing ships and by-boat keepers (361 i, *p.* 275). The economic system of the fishery had clearly changed considerably from that for which King William's Fishing Act had provided, and many of the difficulties facing the naval Governors every season arose from the effort to maintain under novel circumstances a rigid and outworn code.

A little French self-governing community.

Among our papers is an interesting petition from Newfoundland showing that there was still some of that individualistic spirit of adventure among the fishing community which had been so remarkable in the previous century when the island was "no-man's land." After the close of the war by the Treaty of Utrecht a considerable number of French men, women and children deserted from Cape Breton and settled in and about a harbour called Portabask [Port aux Basques] in the extreme west

of Newfoundland near Cape Ray. There they set up a little commonwealth of themselves without any control from the French authorities at Cape Breton and repudiating all English control. They were supplied by ships from Bayonne and St. Jean de Luz, St. Malo and Rochelle to which they exported their fish, oil and furs. They had supplied themselves with stolen boats and goods and their lawless trading with the Indians both from the island and the mainland made it impossible for British traders to carry on their fur trade. It was for this reason that a petitioner appealed to the Crown for action to be taken to establish control over them (31, 40).

The Board of Trade had always thought that it was not for the interest of the Fishery of Newfoundland to encourage settlements there even of the King's subjects, but a French settlement was certain to be of ill consequence upon account of the illegal trade that would be carried on (145). The Board therefore advised that Lord Muskery, who was going out as Commodore to Newfoundland, should be directed to disperse the settlers at Portabask. The task was entrusted to Capt. Crauford of H.M.S. *Roebuck*, one of the ships on the station, but when he visited Portabask he found that the danger had been greatly exaggerated. There were only ten families in all, who were miserably poor and had neither fortifications nor arms. They utterly denied any trade with the French and were quite ready to quit their settlements. The coast was so dangerous that it was impossible to approach it with any vessel but small sloops, and Capt. Crauford was clearly of opinion that no great danger to British interests was to be feared (361 i, pp. 276-7). The incident may be noted, however, as an illustration of the fluidity of the scattered population round the coasts near the fisheries. They had in many cases no permanent homes but would move to new places of settlement in search of new opportunities of making a living whenever they thought they saw an opportunity. All the reports from Newfoundland and from the adjacent shores of Nova Scotia show that the settlers, French and English alike, living round the fisheries had a very precarious



existence and were never very far removed from the margin line of starvation.

New England  
and the  
fisheries.

The close association of the New Englanders with the fisheries especially of Nova Scotia has been remarked upon in earlier Introductions and the documents here calendared show that in the business of those waters the New England fishing merchants now were certainly beginning to outstrip the merchants from the Western Ports of England. These indications are implicit throughout the relevant documents, to which reference may be made by means of the index. They give further evidence of the changes in the economic system of the fisheries of which we remarked, wherein American interests now played so large a part.

Belcher v.  
Dunbar.

Turning now to the domestic affairs of New England we find that the subject occupying most space in the papers is the interminable feud between Governor Belcher of Massachusetts and Lieutenant-Governor Dunbar of New Hampshire. It seems inexplicable why the authorities in England should have put up so long with a state of affairs in which the public interest was manifestly impaired by these bitter personalities. Governor Belcher was indispensable to carry on the difficult task of governing Massachusetts, for now that the old question of his salary was practically settled (6 i, 202, 554, 589) he seems to have had a fair amount of success in managing his relations with the Assembly (*e.g.* 202, 231, 238), but Dunbar could easily have been replaced in New Hampshire by a Lieutenant-Governor who would have got on with Belcher. The Board of Trade addressed letters of reproof to both men alike, but it seems as though they maintained Dunbar in his office because of his undoubted energy in carrying on the campaign against those who wasted the King's woods. This was a difficult task, as is shown by the incidents at Exeter, N.H., where, following upon Dunbar's efforts to put a stop to the depredations on the King's forests of white pine there, there were serious riots. They are described in his letters and their incidents very closely resemble some of those of forty years later at the time

of the Revolution. The justices of the peace took no open part in the waste of the woods, but, as Dunbar said, they might be "compared to the late Jona. Wild of London, who neither robbed nor stole himself, but was in confederacy with a thousand thieves and robbers." When Dunbar went to seize the stolen woods with one of the magistrates, he denied that he knew who the men were who kept firing and hallooing and running in gangs to and fro as if they would be believed to be Indians. As soon as the Lieut.-Governor's back was turned they came down out of the woods and laughed with the magistrate at what had happened (151). There were many similar instances, but this single reference is sufficient to show the widespread lack of respect for government in these New England communities. Further similar instances may be followed up by reading Dunbar's letters consecutively (*especially* 222). Belcher's complaints against him were fully set out in a letter to the Duke of Newcastle in July 1734 (229) which summarises and recapitulates the charges scattered through his letters. The incessant wrangling made it impossible to carry on orderly government, and the Assembly of New Hampshire would make no supply to the Treasury or for the payment of the public debts. As Belcher wrote to the Duke of Newcastle, "Its now about four years that the treasury has been empty and poor people all this while kept out of their just due. How mean and how unjust has it been in the Assemblies and how dishonourable to the King's Government and authority. And the source of it all is from the Lieut.-Governor and his few adherents and I can't but think it a poor game he plays in that little Province to do all in his power to prevent the Governor's succeeding with the Assemblies . . and then to write to your Grace the Governor has not interest enough to do anything in the Province. Most certainly, it is easier to do mischief than to do good, but I think it a poor mean way of passing life" (394).

As Mr. West, the legal adviser to the Board of Trade, had written in the reports of 1725 which are included here (563 etc.), the provinces of New England regarded



themselves as independent kingdoms and there was so little respect for the Government of the Crown that there seemed "to be a kind of industry to avoid naming the King even upon those occasions where there is a kind of legal necessity that they should" (569). Massachusetts and New Hampshire actively opposed governmental control; Connecticut and Rhode Island completely neglected it and had as little correspondence as they possibly could with the authorities in England.

New York.  
Political songs.

There are among the documents of 1734-5 very lengthy papers like those of the previous year 1733 dealing with the quarrels in New York between Lewis Morris and his supporters and Governor Cosby (*see especially* 221 and enclosures, 404, 405). It is unnecessary to attempt to summarise them here, but attention may be drawn to pp. 326-328 where two of the political songs of the time are printed. They illustrate the kind of accusations that were bandied about between the rival factions, but they do not confer much credit on the poetic skill of the American ballad-mongers of the period (405 viii, (a), (b).)

The despatches of Governor Cosby show that the work of the Governor of New York was more complicated than that of the Governor of almost any other colony and that the constant disputes between the factions in the Council greatly hampered the transaction of business. The long despatch (591) in which Cosby transmitted the Acts of Assembly passed in 1734 shows the diversity of the matters dealt with. Among them was the encouragement of immigration and the peopling of the vacant lands of the colony, for as elsewhere in the continental settlements the crying demand of New York was for additional population. In Cosby's opinion the principal cause that more people did not come from abroad to settle in the colony was the uncertainty of titles under the land system. Some hardy men had braved the risk and settled some part of the undivided lands in the country, but they were few, and the rest, more cautious, chose rather to neglect a present advantage than rashly to engage in a thing that in the end might involve them in expensive law suits and lasting trouble (p. 451). The

Uncertainty of  
land titles.

young people were very unwillingly brought to settle the frontiers and in order to encourage migration to the extreme part of the Province beyond Albany advertisements were printed and sent to various parts of Europe offering 200 acres free to each family of the first 500 Protestants that came to take advantage of the offer of 100,000 acres of land clear of all charges but quit rent (p. 452).

Lord Baltimore  
and the Penns.

The important controversy between Lord Baltimore and the Penns concerning the boundaries between Pennsylvania and Maryland in the region of Delaware is represented among the documents here calendared by the petition from Baltimore which was referred by the Crown to the Council for Trade and Plantations on 8 August, 1734 (267). There is also an important letter from John Penn to the Duke of Newcastle (497) concerning his family's claims to the region in dispute, which comprised the Three Lower Counties of Newcastle, Kent and Sussex on Delaware, and the report of the Board upon Lord Baltimore's petition (460) which is reproduced at length. The most convenient way of consulting the documents relating to the question at issue, however, is to refer to the *Acts of the Privy Council, Colonial*, pp. 334-342 where the various Orders-in-Council, petitions and reports are collected between 1 July, 1733, and 25 May, 1738. The various documents there mentioned are reproduced in the Calendar under their particular dates and the ramifications of the dispute can be conveniently traced by using the two collections as complementary one to another.

The western  
lands of  
Virginia and  
Pennsylvania.

In the Introduction to the preceding volume of this Calendar reference was made to the projects for peopling the lands of Virginia on the other side of the great mountains in which the question of the western boundary of Pennsylvania and the boundary line between Maryland and Pennsylvania were involved. Lord Fairfax's claims entered into the question and in connection with it reference should therefore be made to the *Acts of the Privy Council, Colonial*, pp. 385-391, where various Orders-in-Council, reports etc. are listed. Lieut.-



Governor Gooch urged without effect a speedy determination of the dispute with Lord Fairfax because he found that it impeded his complying with the petitions of various responsible persons who were desirous of establishing settlements on the frontiers of Virginia. He supplemented his lengthy despatch of 8 February, 1733 (C.S.P. 1733, pp. 37-40, and Introduction p. xlv) by further recommendations in favour of the petitions he transmitted. He showed how soon the part of Virginia beyond the mountains might thus be peopled and continued, "Most of these petitioners are Germans and Swissers lately come into Pennsylvania, where being disappointed of the quantity of land they expected as well for themselves as for a more considerable number of their friends and countrymen who designed to follow them, have chosen to fix their habitations in this uninhabited part of Virginia, and as there are many of H.M. natural born subjects in the northern Provinces very desirous to remove to the same place" it would be good policy "to cherish this disposition in them, the security of [Virginia] and the Province of Maryland depending upon it. By this means a strong barrier will be settled between us and the French, and not only so, but if by encouraging more foreigners to come hither we can only get possession of the Lakes, which are not very far distant, we shall then be able to cut off all communication between Canada and Mississippi and thereby so much weaken the power of the French as to have little to fear from that quarter hereafter. . . . Such a design can never be more reasonably put in execution than now when the situation of affairs in Europe seems to tend to a speedy rupture with that nation" (179). Other of Gooch's despatches show that the westward migration from Virginia was proceeding rapidly and an Act was passed by the Legislature for dividing the frontier county of Spotsylvania which had been established in 1720. The Act established a new county of Orange for the ease of the people in attending their County Courts and musters since they had got to the great Ridge of Mountains and even further west and new settlements were multiplying daily

(388, *p.* 307). According to Mr. Ochs, the promoter of Swiss colonisation, whose schemes were referred to in earlier Introductions, already in 1734 300,000 acres had been taken up behind the mountains and the lack of easy means of communication with the coast was what principally impeded an even more rapid growth (389).

South Carolina  
and negroes.

South Carolina, to which a considerable emigration of poor Protestant families had taken place, was also closely interested in the settlement of the western lands (249 ii, *p.* 168). The Governor, Council and Assembly represented that the great importation of negroes into the colony was an obstacle to the growth of the white population. The trade had recently much increased and many negroes were now trained up to be handicraft tradesmen to the discouragement of the whites who came to settle "with a view of employment in their several occupations, but must often give way to a people in slavery" which was discovered to be a great obstruction to the settlement of the frontier with white people (*p.* 168). There were already at least 22,000 negro slaves in the colony and they were three to one of all the white people, giving rise to constant fears of insurrection, especially if they were encouraged by French agents (251 i, *p.* 174).

Land claims.

The troubles over the uncertainty of land titles in South Carolina fill a large part of the despatches from the colony as in the previous year.<sup>1</sup> They were attributable in part to the lax system that had prevailed under the Proprietary Government but also, according to the evidence of the Governor, to a good deal of deliberate fraud. The Lords Proprietors were called upon by the Committee for Plantation Affairs to justify their position in regard to the grants they had made between 1714 and 1727 before a final answer was made to their proposal to surrender their rights to the soil upon payment to each of them of a sum of £2500. Their apology shows how they had attempted to make their own private benefit the governing consideration in their dealings with the lands of the colony. Upon the execution of their Charter they had made grants of large tracts

<sup>1</sup> See *C.S.P.* 1733, Introduction, *p.* xliii.



of land to each other at a small quit rent or a peppercorn rent in expectation that their sub-grantees would settle them. Not one-sixth of the lands so granted were settled, however, and they believed therefore that such lands might be re-entered upon now that the Charter had been abrogated and the Crown had taken over the colony (19). In 1726, for example, Colonel Samuel Horsey had been granted a warrant for four baronies or 48,000 acres of land to be annexed to his honour of Landgrave (28, 47). He had not taken up the grant when the surrender to the Crown took place, and he now petitioned for its completion so that he might proceed with the settlement of the lands by their disposal to new settlers and letting them out in small farms. Thomas Lowndes strongly opposed Horsey's petition which he regarded as designed to secure a reward for the negotiation of the surrender of the rights of the Lords Proprietors to the Crown. He agreed that Horsey carried most of the messages from the Lords Proprietors to the Earl of Westmoreland, they wishing to make him appear useful as he had hopes from Court that he would be sent as the first Royal Governor of South Carolina, but he claimed that he alone was entitled to a reward as he had devoted six years to promoting the surrender and drew up the scheme which induced the Ministers to treat and which he supported in Parliament (57, 57 i).

The report of the Board of Trade on Horsey's petition seems very hesitant as to the acceptability of Horsey's claims, but they were so anxious to promote the settlement of South Carolina that in conclusion they advised the renewal of his grant in order that he might proceed with his project to transport a proper number of persons to the colony (*p.* 39).

Pury's Swiss colonists when they came to take up the lands that had been allotted to them within a radius of six miles of Purysburgh found themselves forestalled by divers persons who, claiming under pretended grants from the late Lords Proprietors, had caused a large portion of the best lands adjoining the township to be surveyed as their own (138). As was remarked in the previous

*d--(1).*

Thomas  
Lowndes'  
attack on  
Alured Popple.

Introduction the Board of Trade sent out stringent orders to the Governor that Pury's colonists were to be protected from such fraudulent claims (*C.S.P.* 1733, Introduction *p.* xlii) but there were many difficult legal questions involved and the Board had to submit them for the opinion of their legal advisers (242, 253). The report was entirely adverse to the claimants (250) and the Board issued orders anew to the Governor to protect the Swiss (282, 379 *especially p.* 293), but they realised that it would be hard to enforce their claims, since they found that 8000 acres of the lands in dispute were patented to the Governor himself. In fact these South Carolina grants were a constant cause of scandal and we find that they were the matter at issue in an unpleasant quarrel that was raging between Thomas Lowndes and Alured Popple, the Secretary of the Board of Trade himself. Lowndes complained that the members of the Board were not impartial in the consideration of his complaints against their secretary (63) in respect of these land grants (57, 60) and he threatened an attack against Popple in the public press. "In return for a gross incivility you was guilty of some time ago towards me," he wrote, "I intend in a few days to print in the Grub Street Journal some letters of yours to me wrote in your private capacity." There was something of a hint of blackmail in such a threat, but the following sentence is in the best manner of the eighteenth-century controversialist, "Really I must congratulate the public that a person so engaged in business as you are have been able to improve the orthography of our language without putting the State to the expense of an Academy" (61). The implication seems to be a criticism of Popple's spelling, but it appears to be quite unjustifiable in his official letters at least, for their spelling and phrasing are excellent according to modern standards.

Lowndes had sold his rights to 12,000 acres to a speculator, one Thomas Rutherford, who was willing to take the risk and make what he could out of so fishy a title and it may be that what so roused Lowndes' anger against Popple was some criticism to this effect. At any



rate, in the end the Board's reply to Rutherford's petition (575 i) was favourable (610) and the Governor was ordered to set out the 12,000 acres a barony.

North Carolina  
land claims.

The scandals in North Carolina concerning land titles were even more flagrant than in South Carolina. They dated like them from the Lords Proprietors' time and arose from an attempt to impose rates of payment for land that were impossible. Before 1724 the Governor and Council were forbidden to make sales of land unless by order from the Board of the Lords Proprietors in London and upon payment of £10 sterling per 1000 acres. These terms could not be complied with and land sales and settlement would have come to an end if it had not been for the introduction of a system *ad interim* without waiting for the Proprietors' consent. Persons were allowed to take land and cultivate it at 3s. per 100 acres with the promise that they should receive a preference in the purchase of such land whenever the Proprietors permitted it to be sold (*p.* 434). If this system had been adhered to, the settlement of the colony could have proceeded upon a secure basis, but it was broken down by the collusion of various officers and the Governor, Sir Richard Everard. Although they had no power to grant lands they drew up and hawked about bundles of land patents in blank which contained neither the names of the grantees, the situation or area of the land ostensibly granted nor a note of the price paid. The private persons who purchased these blank patents had thus the opportunity of claiming what quantities of land they pleased and of usurping the possessions of other persons which were held under the interim system (576 i).

Matters concerning land titles in North Carolina were, therefore, in a state of utter chaos when the government was transferred from the Lords Proprietors to the Crown and it so remained under the disorderly regime of Governor Burrington to which reference has been made in previous Introductions. It fell to Governor Gabriel Johnston to try and find a solution to the many difficulties that had accumulated from fraud, bad faith on the part of officials and administrative incompetence. His despatches set

out clearly the questions to be solved and they present a favourable impression of his powers of judgment and his competence to bring order out of what was perhaps the worst mess left by the breakdown of a venture in proprietary colonisation (*pp.* 432-434).

Georgia.

There are few papers relating to Georgia among our documents, for that venture was autonomous and not subject to detailed supervision by the Crown. The papers belonging to the Trustees are dealt with in separate volumes of this Calendar. There is an interesting report from the Agents for South Carolina showing how the Georgia experiment was regarded in the colony. It was prepared in reply to an enquiry from the Board of Trade as to the defences of the colony and shows that the provision of fresh capital for the settlement of the frontier against the Spanish possessions was regarded as relief of the strain on Carolina's resources, and the colonists were prepared to support Georgia to their best ability (496, *p.* 389). The Order-in-Council of April 1735 confirming three Acts of Georgia reminds us of the special views of the promoters for the carrying on of their enterprise. One act was to render the Colony of Georgia more defensible by prohibiting the importation and use of black slaves or negroes and another to prevent the importation or use of rum and brandies (524).

Piracy.

Among the papers of 1734-5 there are no references to the piracy that was so serious an obstacle to orderly trade with the colonies a few years before and clearly the evil had been largely cleared up by the exertions of the navy. Governor Gooch sent an account of the adventures of a ship trading to Virginia which recalls something of the atmosphere of the earlier piracies. The ship *Haswell* of London in her voyage to the colony touched at Madeira to load a cargo of a hundred pipes of Madeira wine. Two or three days after her departure from the island the crew mutinied and murdered the master and both his mates in a most barbarous manner. The boatswain, who was the ringleader, took on him the command of the ship and sailed to the island of Marie Galante. There the mutineers employed a passenger in the ship who spoke



French to be their interpreter to the Governor. He succeeded in slipping into his hands a paper giving an account of the mutiny and the Governor immediately seized the ship and the men and sent her to Martinique. There the mutineers were tried and the boatswain and another man as ringleaders were sentenced to be broken on the wheel and three others hanged. The ship was condemned and sold as a prize and the story came to the ears of the English authorities when the owners in London appealed for restitution on the ground that if the Governor of Martinique had sent the ship into a British port in the West Indies, say Barbados, they would have been able to recover her and send her on to Virginia to load tobacco as had been the original intention. The story is an anecdote of the sea of no particular historical value, but it serves to illustrate the perils of the voyages of the time (578, *pp.* 437-8).

### § III.

#### THE WEST INDIES.

The despatches  
of Governor  
Mathew.

The defence of the Sugar islands and their trade and economic conditions in general have been discussed in the earlier part of this Introduction and we have now to mention certain points of interest in the papers connected with particular colonies. The longest and best written West Indian despatches in the volume came from William Mathew, Governor of the Leeward Islands. He had served the Crown in the group for many years and had often administered the Government in the interval between the death or departure of one Governor and the arrival of his successor. He had thus acquired an unique experience of the islands and now that he held the definitive position he was able to speak with a large amount of authority about the problems to be dealt with. Although so much space among our documents is filled with the affairs of the islands it cannot be disguised that the things dealt with were often of only petty importance and the little communities made a great deal more fuss

Antigua.

than was worth while. Of the Leeward Islands Antigua seems to have been the most enterprising and it set itself on its own to make a regular naval station for H.M. ships at English Harbour. But the number of white men in the island capable of bearing arms did not exceed two hundred and the Regiment that was supposed to defend the islands was split up into small detachments to satisfy the jealousy of each little community for its own defence. Mathew proposed that the whole regiment should be collected in Antigua which would be far better for its own maintenance and discipline and in time of war would provide the nucleus of a formidable force to be used at any threatened point (*pp.* 118, 215).

Decline of the  
white  
population.

The progressive decrease of the white men in each of the islands was a perennial source of anxiety and Mathew's attempts to explain it cannot be far from the truth. "The decrease of white men in the island," he wrote "I apprehend to be owing to several causes. Epidemical distempers have destroyed numbers; dry weather, want of provisions and inability to pay their taxes have obliged others to go off. Land has been at so high a price from the smallness of the quantity in the island that the settlers of ten or twenty acres who formerly raised only provisions have been tempted to sell their possessions to the sugar planters and have thereupon quitted the island." In other places he implies that the majority of these displaced small settlers went to the continental colonies and South Carolina always seems to have attracted a number. The process of the conversion of what in the seventeenth century had been essentially a white community into a plantation of black slaves was obviously not yet complete, but it was proceeding apace. "Notwithstanding this alteration there are very few persons in [Antigua] at present possessed of above or even so much as 300 acres of land fit for sugar; and without such a quantity or something near it no planter can be enabled to bear the great expense of the buildings and utensils necessary for making sugar, especially considering the low price that commodity has sunk to for several years past" (182, *p.* 148). In the earlier years of the island's history there



had been a considerable number of white artisans who were not themselves cultivators but carried out the work for the various plantations. Their numbers had now dwindled to an alarming extent from "the employing of negro tradesmen such as carpenters, coopers, millwrights, masons etc." and to remedy this evil the only practical course was to forbid any further negroes to take up such skilled trades. The idea of the colour bar which has played such an important part in more recent colonial history was thus fully conceived as an essential measure of practical politics before the middle of the eighteenth century. It was impossible to attract new settlers to a predominantly negro community and the old settlers despaired of maintaining their ground and drifted away to the continent (*pp.* 118-119).

Nevis.

Mathew thought well of the people of Antigua but he had a very poor opinion of those of Nevis. "The people of this island strangely differ from all their neighbours in particular ways of thinking, which they hold very fast by, and 'twere to be wished they would not. They receive most precedents or advice from the rest of mankind so unkindly as if they were intended insults offered to their understandings. The island from being the seat of trade of the four is no longer so . . . but is now fallen into great decay and very few inhabitants are on it" (313, *p.* 222).

St.  
Christopher's.

Of St. Christopher's on the other hand he spoke well and showed that the improvement of the island within twenty years had been extraordinary and owing to its fertility the planters who had no more industry than their neighbours had been enabled to purchase the French part of the island at a high price and to settle their purchases with negroes. There were in 1717 but 7970 negroes in St. Christopher's which number increased to 14,535 in 1728 and to 17,035 in 1733. There was in the island a similar self conceit to that in Nevis. The people believed that all military discipline was tyranny and the common stipulation for party elections was that they should have no discipline at all. "Strange preposterous sacrificing a country to satisfy ill nature!" as the Governor remarked (313, *p.* 226).

The Virgin  
Islands.

Closely adjacent to the Leeward Islands were the even smaller islands of the Virgin Group, Anguilla, Spanish Town and Tortola being the only three inhabited. They were not sugar islands but chiefly produced cotton and provisions. The largest community was on Anguilla where there were not above 100 effective men, since more than sixty had left the island and gone to St. Martin's or St. Croix. Spanish Town had about 80 men and Tortola about the same number (313, *p.* 236). The islands were particularly lawless and Governor Mathew found it difficult to secure responsible persons who would serve as Deputy Governors over them. They had no authority but what they were able to enforce with a cudgel and often those who were appointed were the leaders in the wrecking which seems to have been the principal industry in the islands (215, *p.* 135). Mathew's suggestion for the establishment of Councils in such petty lawless communities could not have been very hopeful where the leaders were often the principal wrong-doers. As the Board of Trade remarked concerning St. Christopher's (128) "most of the people of substance and good character in little islands such as these are generally allied either by consanguinity or marriage" and the same was certainly true among those whose substance was small and whose character left much to be desired. There were in earlier years a considerable number of Jews in the Leeward Islands, but by 1735 they were much reduced and very few were left (602 iv).

## The Bahamas.

The lack of persons of character and integrity sufficient to recommend them for appointment as Councillors was constantly remarked upon by Governor Fitzwilliam in the Bahamas (*e.g.* 36) and there can be no doubt that the population in the smaller colonies was insufficient to maintain the elaborate governmental machinery which looked well upon paper but which would not work in practice. When Captain Woodes Rogers died, the inhabitants of the Bahamas tried to bring all regular government of the island to an end by doing away with the colony's records. All the Acts of Assembly were secreted or conveyed away by some person to prevent



their being put in execution. Many of the inhabitants found themselves laid under some restraint by these laws and therefore prevailed with the senior Councillor, who administered the government as President, to suspend their execution during his rule, but they were apprehensive that upon the arrival of a Governor the laws would again be put in force and so fell upon this method of suppressing them (36). The Minutes of Council during the President's administration between the death of Woodes Rogers and the arrival of his successor were secreted as well as the Acts of Assembly. One reason for this appeared to be that the Presidents did not take the oaths enjoined by law to observe the Acts of Trade and their friends believed they would be convicted were the Minutes to appear (232). Fitzwilliam was much embarrassed in trying to discover what the laws actually were and wrote to the Board of Trade " For my own part I am really at a loss how to behave . . for in my lifetime I never knew so lawless, profligate and turbulent a people as most of them are, and I fear they are not to be gained over to a better disposition by easy and gentle means " (36).

The Bermudas. There are not the same complaints about the community in the Bermudas, the people of which seem generally to have been industrious and law-abiding. The detailed account given by Lt.-Governor Pitt in reply to the enquiries of the Board of Trade enables us to obtain a comprehensive picture of the colony, its industries and system of government. There were about 5000 white inhabitants and 4000 blacks, but the population had somewhat decreased by the emigration of some settlers and their families to South and North Carolina, Virginia and Maryland. All the cultivatable land in the islands was fully occupied, but there was not the same pressure on the means of subsistence as in the Caribbee Islands since the Bermudians were seafarers and found a lucrative source of employment in the carrying trade between the continental colonies and the islands of the West Indies (579 i). However, there can be no doubt that the colony had an over-elaborate system of government and judicature, as may be illustrated by enumerating the officials who were

supposed to do the business for 5000 people. The Governor, 12 Councillors meeting once a month, 36 members of the General Assembly, Secretary and Clerk of Council, Clerk of Assembly, Attorney General, Provost Marshal, Chief Judge and two assistant Judges of the Court of Assize, Common Pleas, King's Bench, Oyer and Terminer and general Gaol Delivery, Chief Baron and two assistant Barons of Exchequer, Judge and Assistant Judge of the Admiralty, Justices of the Peace to each parish or tribe holding Quarter Sessions, and a Coroner; Collector of Customs, Treasurer and Collector of Powder Money. There were in addition to all these officials the officers of the militia, one Colonel, one Lieutenant Colonel, a Major, nine Captains, nine Lieutenants and nine Ensigns and of the troops of horse of 80 privates, a Colonel, Lieutenant-Colonel, Major, Captain, Lieutenant and two brigadiers. There were in addition various store-keepers, guards to castles and forts and the Minister of the colony (*p.* 441)—an official hierarchy that can have left few people of any substance or education in the colony without an official position of some sort.

Jamaica.  
The negro  
revolt.

Jamaica suffered a great loss by the death of its able and experienced Governor, Major-General Robert Hunter (119) and its administration fell into the hands of the senior Councillor, President Ayscough, for the interval before Hunter's successor, Henry Cunningham arrived nearly a year later. The island was still in the throes of the troubles with the negro rebels and Ayscough showed nothing like Hunter's determination in dealing with difficulties. 1734 opened with the failure of the fourth attack upon the rebels and their strongholds and the Council and Assembly made a despairing appeal to the Crown for help from England. The ministry cannot have been very ready to grant it for they must have remembered how Jamaica had treated the regiments of regular soldiers who had been despatched thither a year or so before. However, the appeals of the planters were almost hysterical. "The danger we are in proceeds from our slaves in rebellion against us . . . [and] our attempts against them having been in vain, only convinced us of



our weakness, so great that instead of being able to reduce them we are not in a condition to defend ourselves. The terror of them spreads itself everywhere and the ravages and barbarities they commit have determined several planters to abandon their settlements. The evil is daily increasing and their success has had such influence on our other slaves that they are continually deserting to them in great numbers and the insolent behaviour of others gives us but too much cause to fear a general defection . . . This may very possibly be the last opportunity we may have of applying for help" (55). The Board of Trade and the Duke of Newcastle received such outbursts from the planters with a good deal of scepticism, for they did not fail to recall how ill they had behaved when the Crown had afforded them help. But Jamaica was of too great importance to be lost either for the folly or the obstinacy of the people (58) and help had to be afforded by the organisation of further Independent Companies who seemed to be more suitable for the bush fighting against the rebels than the more rigidly organised regiments of regular troops. However, further regular troops were also to be sent (*p.* 112) and it is clear that the ministers were willing to do what they could.

Awkwardness  
of the  
Assembly.

In their omnibus reply to Governor Hunter's letters between September 1732 and December 1733, which was despatched by the Board of Trade in May 1734 after Hunter's death but before news of it had been received in England, they referred to the awkwardness for which the Jamaica Assembly had always been notorious (*p.* 112) and they bluntly expressed their view that if they would only help themselves in place of indulging in violent quarrels and factions better success might be hoped for. There were long and thorough discussions with Mr. Cunningham before he left England to assume the Governorship but it is unnecessary here to attempt to summarise them. They can be traced best in the *Journal* and thence by reference to the essential documents contained among these papers.

Hurricanes  
and drought.

The economic situation of the planters in Jamaica gave rise as usual to bitter complaints and some of the matters

in question have been touched upon earlier in this Introduction. It has not been noted, however, that the plantations in the island had been badly hit by three dreadful hurricanes within the space of fourteen years and long and severe droughts to which were attributed many of the island's troubles in the first Address of the Assembly to the Duke of Newcastle which was sent under Ayscough's Presidency (284 iii). In another Address to the Board of Trade in May 1735 the President, Council and Assembly analysed the economic situation at length and as they refrained in it from their usual hysterical appeals this address is of considerable value as an account of the actual situation (564 ii). There is a reference to the agitation that was being promoted for the removal from Spanish Town to Kingston of the seat of government and all the public offices. The Council and Assembly opposed any concession to these private solicitations (*p.* 427) and nothing was done during the period here covered.

#### § IV.

#### MISCELLANEOUS.

The staff of  
the Board of  
Trade.

The promotion of the officers of the Board of Trade and Plantations by seniority is mentioned as the usual practice in a letter from the Earl of Westmoreland to Mr. Popple during the latter days of his tenure of the Presidency (527). On the death of Mr. Wheelock, the Under-Secretary of the Board, Mr. Gellibrand, the first clerk, was recommended to succeed him. He had risen through a long service in the Office to that place, and as his diligence and capacity were well esteemed and fitted him for the employ, Westmoreland advised that he should be appointed as others had been before him, and should take the seal of the Under-Secretary (527). The Board at once accepted their President's proposal and Mr. Gellibrand was accordingly promoted to be deputy secretary or chief clerk and the rest of the clerks in the office, six in all, were appointed to succeed each according to their seniority (*Journal*, 9 April, 1735, *p.* 13).



Spelling.

The bad spelling and bad grammar of Governor Cosby of New York have been mentioned in earlier Introductions, but they may here be noted again, for one of his despatches (406) was particularly characteristic. The spelling of " Hurrah " as " Whoraa, whoraa, whoraa " in the song current in the New York disputes to which reference has already been made (*p.* 328) is unusual. The address attached by a petitioner to his application may be noted as an instance of euphonic spelling " To His Grace, Thos. Pellom, Duke of New Castell, In Linkinensfealls " [i.e. Lincoln's Inn Fields] (526).

David Dunbar was, perhaps, more restrained this year in his use of colloquialisms in his denunciatory letters, but the graphic narratives he gave to Governor Belcher of the Exeter riots (151) was in his best vein. His mention of the magistrates who protested " with sanctified *fizzes* " that they had heard nothing of the disturbances is an early use of a slang term that became more familiar in the latter part of the century.

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## CORRIGENDA

Page 84, line 26, *for* 393 *read* 363.

„ 268, line 9, *for* C.O.1344 *read* C.O.5, 1344.

„ 321, line 25, *for* C.O.4 *read* C.O.5.

„ 344, line 10, *for* C.O.329 *read* C.O.324.

„ 459, line 13, *for* C.O.27 *read* C.O.217.



# COLONIAL PAPERS.

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JANUARY, 1734.

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1734.

Jan. 6.  
Barbados.

1. Governor Lord Howe to the Council of Trade and Plantations. When first I arrived here I gave orders for accounts to be sent me in of the state of the militia and fortifications, as also of the number of all the inhabitants in this Island, all which I propos'd to have transmitted to your Lordships in one packett, but the members of H.M. Council here, from the report they have lately receiv'd from England of the likelihood of a war with France having desir'd me to apply by the first opportunity to H.M., that in case that report shou'd be true, he wou'd be graciously pleas'd to send us immediately a squadron of men-of-war to protect the Island and supply us with a sufficient number of cannon and small arms for it's defence, I thought it my duty to send your Lordships the accounts I had of the state of the fortifications (tho I have not receiv'd those of the militia and numbers of the inhabitants) that your Lordships might see by them the defenceless condition this Island is now in and the necessity there is for such application; your Lordships will observe in St. Michael's and Oistin's Division the guns are in much the best condition, but even those all the gunners assure me are not able to stand three rounds of shot; as to the militia, by the officers, of whom there are but very few in Commission of any sort of character or distinction and by the badness of their arms (a great many indeed having nothing but sticks instead of firelocks and not one bayonet belonging to all the Regiments) I can't help thinking it has hardly been look't into or thought off these many years, but as I intend very soon to give orders for a General Review I hope to be able in a short time to give your Lordships a better account of it; The terrible prospect of having no crops this year by the excessive drought, the number of people continually running off (notwithstanding I take all the care I can to prevent it) and the miserable condition and poverty of the Island in general makes it absolutely impossible for them at this present time to provide for the expence of putting themselves in any tolerable posture of defence. The French are now very strong at Martinique both in men and shipping, that I don't doubt upon the first notice they have of war being declar'd they will immediately attack this Island, and indeed I am told it is commonly talk'd of amongst them, because, if they can only get possession of it, the Leeward Islands must fall into their hands of course, however if they should attempt it, as H.M. has done me the honour to intrust me with the government, I shall not easily

1734.

[1]

give it up but will defend it to the last, but if H.M. wou'd be graciously pleas'd to give orders for sending immediately a squadron of men-of-war to protect the trade and for the defence of the Island about one hundred great guns and four thousand swords and firelocks with bayonets (which two last there is the most pressing occasion for) I shou'd not be at all apprehensive of giving H.M. a very good account of any enemies that durst attack us. It is by the advice and at the request of the Members of Council I take the liberty to apply for this quantity of arms and indeed it is also my own opinion. By all the enquirys I can make we shall have full need at least for that number. As the loss of this Colony (which I am afraid it will be almost impossible to prevent without this assistance) wou'd be of the most dangerous consequence to the trade of Great Britain, I hope this request won't be thought too unreasonable; if it is granted I don't doubt we shall be able to defend our selves against all attacks and preserve the Island. *Signed, Howe. Endorsed, Recd. 5th, Read 7th March, 1734. 2 large pp. Enclosed,*

1. i. Inventory of guns and ammunition in the forts and batteries of the Windward Division. *2½ large pp.*
1. ii. Inventory of guns and ammunition in St. Michael's Division. *1¾ large pp.*
1. iii. Report of Committee appointed to inspect the Magazine at St. Anne's Castle. *Copy. 2 large pp.*
1. iv. Inventory of guns and ammunition in the forts and batteries in Reed's Bay Division. *2 pp.*
1. v. Similar inventory for Speight's Bay Division. *2 large pp.*
1. vi. Report upon the 13 pieces of ordnance and stores of the Train of Artillery at Pilgrim. Dec. 21, 1733. All very much out of repair. *1 p.*
1. vii. Inventory of guns and ammunition in and wanting in the forts and batteries in Hole Division. *1 p. Nos. i-vii endorsed as covering letter. [C.O. 28, 24. ff. 9, 9 v., 10 v., 11 v.-13, 14-15 v., 16 v., 17, 18, 19, 20, 21, 22 v.; and (abstract) 28, 40. ff. 154-156 v.]*

Jan. 6.  
Barbados.

**2.** Governor Lord Howe to the Duke of Newcastle. Repeats preceding covering letter, concluding, "I have also the honour to inclose to your Grace the Grand Jury's Address to His Majesty." *Signed, Howe. Endorsed, R. 11th March. 2½ pp. Enclosed,*

2. i. Duplicate of preceding enclosures *Nos. i-vii.*
2. ii. Address of the Grand Jury of Barbados to the King. Dec. 13, 1733. Return thanks for H.M. assent to act for encouragement of the trade of Sugar Islands, reduced as it was almost to the lowest ebb. "The seasonable passing of that law, when the inhabitants, especially those of this place, began to despair of being able to support their plantations, has revived our drooping hearts, and gives us reason to hope for further relief, as soon as the condition and circumstances of our case, with regard to foreign Colonys, come to be fairly



1734. [2. ii]

represented to your Majesty, and fully considered by your Parliament, and that we shall be then allow'd no less extensive a vent for sugar, our staple commodity, than those our neighbouring rivals; whereby 'tis presum'd this island may likewise be render'd still more beneficial to its Mother country *etc.* *Express* appreciation of Lord Howe's administration, and regret that it was not in their power to make a provision and settlement suitable to his merit, which is every day more conspicuous. If H.M. had left the choice of a Governor to themselves, they could not have been more happy in that respect *etc.* *Signed*, Nicholas Wilcox, Nathl. Holder and 15 others. 2 pp. [C.O. 28, 45. ff. 287-289, 289 v., 291 v., 292, 293, 294 v., 295, 296 v., 297, 298, 298 v., 300 v., 301, 302, 302 v.]

Jan. 7. **3.** Mr. Attorney General to Mr. Popple. Sr, The Charter  
Lincoln's Inn. which you sent us refers to another which is prior, and which it will be necessary for us to see. We likewise desire to have a copy of the Fundamental Constitutions of the late Lords Proprietors, for at present it does not appear to us by any thing that we can find in the Charter which you sent us, by what authority those constitutions were made, nor how far they are at present in force. When the First Charter, and a copy of these Constitutions are sent to us, there shall be no delay on our part. *Signed*, J. Willes. *Endorsed*, Reed., Read 7th Jan., 173 $\frac{3}{4}$ . *Holograph*. 1 p. [C.O. 5, 294. ff. 82, 83 v.]

Jan. 8. **4.** Memorandum of letter [*from Mr. Popple*] to Mr. Attorney General with a copy of the first charter to the Lords Proprietors of Carolina in order to obtain his and Mr. Solicitor's opinion concerning the Laws of North Carolina. [C.O. 5, 323. f. 108.]

Jan. 10. **5.** Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, Act of S. Carolina, 1733, *for the prevention of suits and disturbances to H.M. Judges and Magistrates on account of the Habeas Corpus Act.* [C.O. 5, 401. p. 78.]

Jan. 10. **6.** Order of King in Council. Approving following. *Signed*,  
St. James's. W. Sharpe. *Annexed*,

6. i. H.M. Additional Instruction to Governor Belcher. 11th Jan., 173 $\frac{3}{4}$ . *Empowers him to give* his assent to the Act of the Massachusetts Bay *for granting the sum of £3000 for the support of H.M. Governor*, upon consideration that "you have hitherto strictly adhered to Our Instructions in refusing to accept any sum of money whatsoever from the Assembly upon terms; and also taking notice of your behaviour in the said Assembly in the year 1732, where you asserted the rights of Our Crown and endeavoured to dissuade them from pursuing the undutifull and pernicious measures they were then

1734. [6. i]

engaged in *etc.* Signed, G.R. Copy. [C.O. 324, 36. pp. 430-432; and (without enclosure, endorsed, Recl. 1st, Read 20th June, 1734) 5, 876. ff. 62, 63 v.]

Jan. 10.  
St. James's.

7. Order of King in Council. Confirming Act of St. Christopher, 1722, to enable Andrew and Peter Audain *etc.* Signed, W. Sharpe. Endorsed, Recl. 1st, Read 20th June, 1734. 1½ pp. [C.O. 152, 20. ff. 98, 101 v.]

Jan. 10.  
St. James's.

8. Order of King in Council. Repealing Act of the Massachusetts Bay, 1731, in addition to an act for ascertaining the number and regulating the House of Representatives, in accordance with reports of Council of Trade and Committee of Privy Council, who have received the opinion of H.M. late Attorney and Solicitor General thereupon, and heard Counsel upon the petition of Francis Wilks, Agent for the Massachusetts Bay, in support of the said act. The Committee reported that the reason for passing this Act, as set forth in the Preamble of it is, that by an Act made or passed in the 13th year of his late Majesty King George entitled An Act for enlarging the pay of the members of the Great and General Court or Assembly of this Province, the first clause in the Act for ascertaining the number and regulating the House of Representatives, made in the 4th year of King William and Queen Mary, enjoyning each town within this Province having forty families to send a person to represent them in the Generall Court was repealed and made null and void, and that no provision is made by law to oblige any town to send a representative which may be found inconvenient *etc.* The above mentioned Act which repealed the first clause in the said Act of King William and Queen Mary appears to this Committee to have been only a temporary law and to be now expired, and upon the expiration thereof it is their Lordships' opinion the said first Clause in the Act of King William and Queen Mary did revive again and is now in force. As this entirely destroys the reason given for this new Act, their Lordships humbly propose that your Majesty would be pleased to signify your disallowance of the said new Act. Signed and endorsed as preceding. 2¾ pp. [C.O. 5, 876. ff. 60-61 v.]

Jan. 11.  
Whitehall.

9. Lord Harrington to the Council of Trade and Plantations. Having laid before the King the inclosed petition *etc.*, I am commanded to signify H.M. pleasure that you do report your opinion what may be proper for H.M. to do therein *etc.* Signed, Harrington. Mem. a petition of the like nature was referred to this Board by an order of the Committee of Council 30th Jan., and a copy of the Board's report thereon, 6th March, was enclosed in a letter to my Lord President *etc.* Endorsed, Recl. (from Mr. Robinson) April 23, Read May 1st, 1734. 1 p. Enclosed,

9. i. Petition of John da Costa of London, merchant, on behalf of himself and others to the King. There is a large tract of land on the Continent of America bordering on the sea and above 400 miles from any European



1734. [9. i]

settlement, in the possession of the original natives, who were never attempted to be conquered by any of the Powers of Europe. *Asks for* a grant empowering them to take possession of any countrys whatsoever in America as yet unfrequented by H.M. subjects, nor in the possession of any Christian Prince *etc.* *Signed*, John da Costa. 1 $\frac{3}{4}$  pp. [C.O. 389, 37. ff. 99, 100, 100 v., 102 v.]

Jan. 16.

**10.** Assembly of New Hampshire to the Council of Trade and Plantations. Have lately addressed the King and remonstrated the great difficulties of the Province relating to bills of credit, think it their duty to address the Board also *etc.* *Continue* :— In the time of the long and destructive Indian warr, together with the raising, subsisting and paying our quotas of men in several expeditions against the French at Nova Scotia and Canada, involv'd this little Province in a great debt, which by reason of its poverty and great scarcity of silver money [it] could noways discharge but by an emission of paper bill[s of] credit, for the repayment of which acts were passed to bring it into the Treasury (to be burnt) yearly, and as much was laid upon every yeare as the inhabitants with great difficulty were able to raise by a tax on their poles and estates and for the support of the Government and other necessary charges for safety and defence were necessitated to remit severall years taxes after it was brought in and protracted the payment thereof to the yeare 1742, to which period there is as much to be paid annually as in all probability the inhabitants will be able to pay, and the Province is now indebted a considerable sune yet to be raised which can be don by no other method but by a tax upon the poles and estates by a further emission of bills of credit, which would be cherefully and readily voted if it might be repaid after the expiration of the yeare 1742, for which funds are alredy provided. But our Governor acquaints us he is forbid by H.M. Instructions to assent to any act, but that it must be charged on the intervening years between this and that period of 1742, which would be in effect making a law to imprison the greatest part of H.M. good subjects in this Province, for they are alredy loaded with as much or more than they'l be able to pay within that time, and besides the debt now due, there will yearly be occasion for the annual support of the Goverment, which in all probability will amount to a great sune; the fort at the entrance of Piscataqua river which is the only security and safety of this Province is very much out of repaire and wholly destitute of powder which is absolutely necessary for its defence, and there is no other way to repaire and supply it, here being no revenue ariseing but what is already appropriated towards paying the Governor's salary, and that not sufficient to pay it neither *etc.* *Pray the* Board to recommend their distressed case to H.M. “(and especially if a warr should ensue which seems to be impending, that this H.M. poor Province may not be destitute of necessaries for its defence) that H.M. would be gratusly pleased to give our Governor leave

1734. [10]

to assent to such acts as may relieve our necessitous circumstances, that the Generall Assembly may be permitted to emitt such a sune in bills of credit as would raise a revenue sufficient for the honour and support of the Government, the safety and defence of H.M. subjects of this Province, who have always chearefully paid a dutyfull regard to H.M. Instructions which wee depend will always recommend us his royall favor. Such an emission of bills of credit let out for a limitted time on improved land security would revive our languishing trade almost lost for want of a medium to carry it on, and the interest arising with a moderate tax on the poles and estates would defray the charges of the Government., For want of which this Province that is more imediatly under H.M. Government wee fear will be necessitated to be borrowers and tributarys to our neighbouring Governments for their paper currency, there being no other in all the Governments of New England, some of which emitt great sums without restraint, the revenue arising defrays all their public charges and increases their flourishing trade. *Signed*, by order of the House of Representatives, James Jeffry, Clerk of the Assembly, Andrew Wiggim, J. Rindge, Theodore Atkinson. *Endorsed*, Reed. (from Capt. Tomlinson), Read 23rd May, 1734. 2 pp. [C.O. 5, 876. ff. 34, 34 v., 46 v.]

Jan. 17.  
St.  
Christophers.

**11.** Governor Mathew to the Duke of Newcastle. Immediately after my arrival, I had the honour of giving your Grace an account that I had obeyed your commands as to Lord Ducie's son here. I have since been unable, thro' a violent fit of sickness, to send your Grace any account of the condition I found this Government in. The apprehensions everyone here is in of a warr, makes them look back with regret at the time that has been lost in preparing for a better defence, and the low condition of our estates, before the last provision in Parliament for our releif, has very much lessend our numbers, and made us but little capable of great expence in fortifying ourselves, but I now hope we shall do our utmost to regain that time, and as I am restor'd to health, no pains shall be wanting on my side. Our numbers to be made up, by providing servants from England to fill up our Plantations, is a buisness of time, and I can hope but little from it. But if before the danger, H.M. will please to order His Regiment here to be filled up to the English establishment and thoroughly recruited, not with new recruits, but draughts from other regiments, this would be an immediate help, towards our safety. The station ships at Barbadoes last warr were mostly two fifty and one forty-gun ship, and for the Leeward Islands but one forty-gun ship. We hope H.M. will think these four islands more valuable to his revenue, as they really are, than that one island, and order us at least three such ships for our protection. And as these and the Barbadoes convoys might easily join, I should think ourselves not only safe from anything might be attempted from Guadeloup and Martenica, but certainly if Lord Howe from Barbadoes were to act in concert with me, with such a squadron and our own little force we might even distress them,



1734. [11]

notwithstanding their great numbers *etc.* *Has written to* Mr. Richard Coope, Agent for this island, to apply for the helps we stand in great need of *etc.* *Continues* :—This island and Antigua had two years ago supplies of Ordnance and stores of warr, but I assure your Grace the magazines (tho' those stores are entire) are not sufficiently furnish'd for our defence, *etc.* *Prays* his Grace to obtain them of H.M. for these islands *etc.* *Continues* : Whenever H.M. shall think fitt to extend His Dominions here, and procure a ballance against the French for strengthening his sugar colonys, I will pray leave to assure him, from the accompts I have been many years getting of that island, I could answer for making the conquest of Puerto Rico both a cheap and secure expedition *etc.* *P.S.* Mr. Cooper has my full directions, not onely as to the stores wanting, and why, to lay before your Grace, but also to pray our Militia, when on actual service, may be encouraged with H.M. pay or bounty, and leave to roll with H.M. regiment here, on an actual invasion or an expedition against the enemy. *Signed*, William Mathew. *Endorsed*, R. 21 March. *Holograph.* 4 pp. *Enclosed*,

11. i. List of ordnance and stores of war wanting for the Leeward Islands. *Includes*, 20 light field pieces, 3000 hand granades, 20,000 musquet flints, 2000 swords, 30 five-inch cohorns, 2000 shells for ditto, 1000 shot for six pounders, and 1000 ball for field pieces, 5 ton musquet ball, tents, spades, barrows *etc.* 1½ pp. [*C.O.* 152, 44. ff. 17, 18, 19, 20–21 v. ; and (*abstract*) 23, 23 v.]

Jan. 17. 12. Abstract of letter from Governor Mathew. [*C.O.* 28, 40. ff. 157, 157 v.]

Jan. 17.  
St.  
Christophers.

13. Governor Mathew to the Council of Trade and Plantations. I pray your Lordships will permitt my enclosing a duplicate of the last letter I wrote to your Board, and with it a duplicate list of the six persons I would presume to recommend to your Lordships to fill up vacancys in H.M. Council at Antigua, and a like number for Nevis, and to this I have now added such a list for this Island and for Montserat. I now transmitt to your Lordships' Secretary a duplicate of the Antigua Act of Settlement on me with duplicate Minutes of the Council and Assembly of that Island, as mentioned in my former. And with these I now send Minutes of the Council of Montserat from 10 Janry. 173 $\frac{2}{3}$  to the 11 Decr. 1733. And two Acts of that Island viz. an Act for selling flower, bisquet, corn and oats by weight. An Act for raising a levy or poll tax and for assessing the houses in the town of Plymouth in the Island of Montserat. Neither of these Acts being of an unusual nature, the first being such a one as has been long in force in Antigua and St. Christophers, and the other in the usual forms of all other levy Acts of that Island, I can add nothing of new observation on them to your Lordships. The hurricane not leaving a church in the whole Island standing, the Levy Act is chiefly to build one at the town at least. Wavell Smith Esqr. not resigning the offices as enjoyn'd him by H.M. order in Council,

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I have not admitted him to his seat in the Council of this Island. These Islands are greatly alarmd at the accompts sent hither of the dangers of an approaching warr. And I am sorry to tell your Lordships, I find the number of inhabitants very low, little or no discipline in any of them but Antigua, great numbers in the Militia without arms, and the magazines (notwithstanding the late supplys to Antigua and this Island) farr from sufficiently stor'd for a defence. I am now restor'd to my health after sickness and nothing of deligence or care shall be wanting in me to remedy these evils, as farr as I am able. But, my Lords, we want helps from H.M., and I have presumd to lay our wants before his Grace the Duke of Newcastle praying his intercession, as I now do your Lordships' for obtaining them in case of a warr. And a list of the ordnance and stores of warr now wanting, besides what are in our magazines here, I pray leave to enclose herewith. The recruiting the regiments in these Islands, not with new recruits but draughts from other regiments, is our only immediate expedient to add to our numbers. Providing by laws now subsisting or new ones for servants to be brought from home will be I fear too late, tho that must be done too. But station ships are to be our chief protection, as well as the only way to annoy our enemys. Barbadoes in time of warr always had two fifty and a forty-gun ship. And these four Islands but a forty-gun ship. It is well known to your Lordships, how much more valuable these four are to H.M. Revenue and the Mother Country than that Island can be and from thence I presume to pray for at least the same number of ships on this Station; these six well employ'd must not only cut off all trade between the French Islands and Europe and distress them ashore even to starving them for want of the European supplys of provisions, but render them incapable to victual out a single privateer to molest our trade, much less an armament to insult our Islands. And such an expedition from France will then require a larger squadron of ships of warr, then I hope they will ever be able to spare, or the plunder they would be able to carry off quit scores for. I should even hope, if Lord Howe could prevail with the inhabitants of Barbadoes to join and act heartily in concert with us, to make them more uneasy in their settlements, notwithstanding their overgrown numbers, than they could H.M. subjects in Barbadoes and these Islands. I would not trespass too much on your Lordships and have therefore sent Mr. Cooper Agent for this Island full instructions what applications to make and have given him the best reasons I can to support what I direct his asking for us. I pray your Lordships' protection and countenance to him for our sakes. *Signed*, William Mathew. *Endorsed*, Recd. Read 21st March, 1734. *Holograph*. 3 $\frac{3}{4}$  pp. *Enclosed*,

13. i. Duplicate of No. 11 encl. i. [C.O. 152, 20. ff. 7-8 v., 9 v.-10, 13 v.]

Jan. 18.

14. Mr. Sharpe to Mr. Popple. In accordance with Lord Howe's directions, recommends John Gallop for the Council of



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Barbados, in the room of Mr. John Pilgrim who "dyed here in London about three weeks since." *Signed*, Jno. Sharpe. *Endorsed*, Recd. Read 18th Jan., 173 $\frac{3}{4}$ . *Addressed*. 1 p. [C.O. 28, 24. ff. 1, 2 v.]

Jan. 19.

**15.** Mr. Fane to the Council of Trade and Plantations. *Report upon Act of S. Carolina for the prevention of suits and disturbances to H.M. Judges and Magistrates on account of the Habeas Corpus Act etc.* *Continues*: Which I beg leave to observe to your Lordships is a suspension of the Habeas Corpus Act in this Colony, and an indemnification with a retrospect to persons who have acted in an illegall and arbitrary manner, and in violation of the liberty of the subject. The Habeas Corpus Act has always been considered as the great barrier of the liberty of the subject in this Kingdom. For by that Law if any person is committed to prison for an offence that's bailable by law, he has a right to pray H.M. Writt of Habeas Corpus returnable before the Chancellor, Chief Justices or Judges of either Bench, and by a law of this Province before the Governour, Chief Justice or two Justices, commanding the officer in whose custody the person is to bring him with the cause of his committment before them to examine for what cause he is committed, that he may be either discharged, bailed or remanded back. This law has sometimes been suspended in this country, but it has been in the time of open rebellion or the certain apprehension of it or when the Government itself has been in the most imminent danger; what necessity there was of suspending it in this Colony do's not appear to me. But I beg leave to observe that in the Preamble of this Bill, which is a most extraordinary one, it is said, that persons demand this writt, altho' they are not legally entituled thereto, which is a very strong reason in my opinion against suspending the Act, for if that is the fact there can be no necessity for it, Justice takeing it's usuall course. But I apprehend the design of the suspension is to oppress and injure H.M. subjects without any just cause as appears to me to and skreen themselves from the resentments of the injured who feel the weight of their power, and therefore I am of opinion that this law ought to be repealed. *Signed*, Fran. Fane. *Endorsed*, Recd. 21st, Read 22nd Jan. 173 $\frac{3}{4}$ . 2 pp. [C.O. 5, 363. ff. 16, 16 v., 17 v.]

Jan. 22.  
Whitehall.

**16.** Council of Trade and Plantations to the King. Propose John Gollop as Councillor for Bermuda in the room of Joseph Pilgrim decd. [C.O. 29, 15. p. 427.]

Jan. 22.  
Whitehall.

**17.** Mr. Popple to Governor Johnson. My Lords Commissioners for Trade and Plantations having received a letter, by which they are informed that the Ordnance lately sent to yor. government instead of being employ'd in the service for which they were sent thither "now lye upon the beach in Charles Town, without carriages, expos'd to the weather and sand," and that if some care is not taken they will certainly be honeycomb'd and spoil'd: I am commanded to send you a copy of it, that you

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may as soon as possible inform their Lordships, how far the said advice is true, and if any care has since been taken of them. My Lords have now under their consideration, two petitions, one from the Merchts. of London, and the other from ye Merchts. of Bristol trading to So. Carolina, complaining of two Acts passed there in 1696, entitled *An Act for the encouragement of the better settlement of So. Carolina*; and another passed in 1731, entitled *An Act for appropriating the sum of £104,775 ls. 3¼d. towards the paymt. of ye publick debts*; and so soon as their Lordps. have made their report to H.M. thereupon, they intend to make you a full answer to all yor. lettrs. Mr. Hall, who lately came from your Province, in order to buy hemp and flax seed, in order the better to promote the product of those commodities, at his return to Carolina, has made his application here, for an addition to those sums, wch. ye Assembly of yor. Province allow'd him for this purpose; but as my Lords are of opinion that the Assembly are ye best judges, wt. sum is proper to be allow'd for an experiment of that sort, in their own country, their Lordships do not think proper to make any Representation to H.M. thereupon, but they recommend it to you, to give all reasonable encouragement to an undertaking which seems to tend so much to the advantage of the Province. [*C.O.* 5, 401. pp. 79, 80.]

Jan. 23.  
Whitehall.

**18.** Mr. Popple to Mr. Paxton. The Board will take into their consideration the Act of S. Carolina *for the prevention of suits etc.*, on Friday next, and will then hear anything you may have to offer against it *etc.* [*C.O.* 5, 401. p. 81.]

[Jan. 23.]

**19.** Lords Proprietors of Carolina to the Committee of Privy Council. In reply to queries as to grants of lands made by them to each other, *enumerate* grants made by them 1714–1727. *Continue*: If we have not given your Lordships a more exact account of the conditions upon which they were granted and the places where they are to be sett out, it is for want of a proper register *etc.*, nor could we obtain a true rent role of our lands, which occasioned our presenting a petition to his late Majesty *etc.* to direct his provisionall Governor to cause a register to be made of all the lands granted, and upon what terms, in order to know how to settle the remaining uncultivated lands *etc.* Admit that they did shut up their office for the sale of lands in Carolina in 1729, which was not only prudent but justifiable, their predecessors having at their first entering upon the execution of their Charter made grants of large tracts of lands at a small quit rent or only a pepper corn yearly, in expectations that the grantees would settle them *etc.* But as not a sixth part of the lands so granted are yet settled *etc.*, we conceive such lands may be re-entered upon *etc.* The Proprietors were always ready at their office in London to grant their unsettled lands at a moderate quit rent, not exceeding one penny per acre to any person who with an intention to settle there would have apply'd to them, and were ready to comply with any reasonable proposall of that kind from the countrey's Agent, Mr. Young, notwithstanding



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his known ingratitude to the Proprietors *etc.* *Explain* the clause in their petition to the King touching proposed surrender. "By this clause we mean and intend to surrender to H.M. our right and title to all our lands not entered upon and improved as well the baronies and lands granted to each of us as Proprietors as all other our lands in Carolina" *etc.* *Endorsed*, Recd. Read 23rd Jan., 1734. 4½ pp. *Enclosed*,

19. i. Copy of Order of Council, 12th March, 1727, upon petition of the Lords Proprietors of Carolina, proposing to surrender their rights to the sovereignty and soil upon payment to each of £2,500, that they answer annexed queries, and particularly what grants of lands they have that are now unsettled *etc.* *Same endorsement.* ½ p.

19. ii. Copy of Warrant of Lords Proprietors of Carolina to Coll. Samuel Horsey, for 48,000 acres *etc.*, and making him a Landgrave. 21st Dec., 1726. *Same endorsement.* 1½ pp. [*C.O.* 5, 363. ff. 19–20, 21–23, 24 v., 25 v., 26 v.]

Jan. 23.

**20.** Council of Trade and Plantations to the House of Lords. Representation in pursuance of Address, June 13th, 1733, relating to the laws made, manufactures set up, and trade carried on in H.M. Plantations in America. *Continue* :—*Laws of the Plantations.* Many of the British Colonies in America are immediately under the Government of the Crown; namely, Nova Scotia, New Hampshire, the Jerseys, New York, Virginia, and the two Carolinas, Bermuda or the Summer Islands, Bahama Islands, Jamaica, Barbados, and the Leeward Islands. Others are vested in Proprietors, as Pennsylvania and Maryland, and, not long since, the Bahamas, and the two Carolina's. There are likewise three Charter Governments; the chief of which is the Province of the Massachusetts Bay, commonly called New England; the constitution whereof is of a mixed nature, the power being divided between the King and the people, in which the latter have much the greater share; for here the people do not only chuse the Assembly, as in other Colonies, but the Assembly chuse the Council also; and the Governor depends upon the Assembly for his annual support; which has too frequently laid the Governors of this Province under temptations of giving up the prerogative of the Crown, and the interest of Great Britain. Connecticut and Rhode Island are the other Charter Governments, or rather Corporations, where almost the whole power of the Crown is delegated to the people, who make an annual election of their Assembly, their Council, and their Governor likewise; to the majority of which Assemblies, Councils and Governors, respectively, being Collective Bodies, the power of making Laws is granted: And, as their Charters are worded, they can and do make Laws even without their Governors' assent, and directly contrary to their opinions; no negative voice being reserved to them, as Governors in the said Charter; And as the said Governors are annually chosen, their office generally expires before H.M. Approbation

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can be obtained, or any security can be taken for the due observation of the Laws of Trade and Navigation, and hold little or no correspondence with our Office. It is not surprising, that Governors, constituted like those last-mentioned, should be guilty of many irregularities, in point of trade, as well as in other respects. All these Colonies, however, by their several Constitutions, have the power of making Laws for their better government and support, provided they be not repugnant to the Laws of Great Britain, nor detrimental to their Mother Country : And these Laws, when they have regularly passed the Council and Assembly of any Province, and received the Governor's assent, become valid in that Province, but remain repealable, nevertheless, by H.M. in Council upon just complaint ; and do not acquire a perpetual force, unless they are confirmed by H.M. in Council. But there are some exceptions to this rule in the Proprietary and Charter Governments ; for, in the Province of Pensylvania, they are only obliged to deliver a transcript of their Laws to the Privy Council within five years after they are passed ; and if H.M. does not think fit to repeal them in six months, from the time such transcript is so delivered, it is not in the power of the Crown to repeal them afterwards. In the Massachusetts Bay also, if their Laws are not repealed within three years after they have been presented to H.M., for his Approbation or disallowance, they are not repealable by the Crown, after that time. The Provinces of Maryland, Connecticut, and Rhode Island, not being under any obligation, by their respective constitutions, to return authentick copies of their Laws to the Crown for Approbation or Disallowance, or to give any account of their proceedings, we are very little informed of what is done in any of these governments. There is also this singularity in the governments of Connecticut and Rhode Island, that their Laws are not repealable by the Crown ; but the validity of them depends upon their not being contrary but, as near as may be, agreeable to the Laws of England. All the Governors of Colonies, who act under the King's Appointment, ought, within a reasonable time, to transmit home authentick copies of the several Acts by them passed, that they may go through a proper examination ; but they are sometimes negligent of their duty in this particular, and likewise pass temporary Laws for so short continuance, that they have their full effect even before this Board can acquire due notice of them. Some attempts have been made to prevent this pernicious practice ; but the annual support of Government, in the respective Colonies, making it necessary, that Laws, for that purpose, should pass from year to year, the Assemblies have frequently endeavoured in those Laws, as well as in others of longer duration, to enact proper propositions repugnant to the Laws or interest of Great Britain, of which this Board have never failed to express their dislike to the Crown, when such Laws have fallen under their consideration ; and many Laws have, from time to time, been repealed on that account. But, as to such Laws as do not directly fall within the above rule, against which no complaint is made, and where the Board are doubtful of the effect they may



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have ; it has always been usual to let them lie by probationary, being still under the power of the Crown to be repealed, in case any inconvenience may arise from them. It has been usual, when a Law has contained many just and necessary provisions for the benefit of the Colony where it was passed, intermixed with some others liable to objection, to let it lie by, and give notice thereupon to the Governor of the Province, that it should be repealed, if he did not, within a reasonable time, procure a new Law, not liable to the same objections, to be substituted in the place thereof : And from the constant discharge of our duty herein it has so happened, that, upon the most diligent inquiry into all the Acts passed in the several British Colonies since the Accession of His Late Majesty to the Throne, there are none that have yet come to our knowledge, still remaining unrepealed, or unexpired, which are liable to objection, excepting those in the following list ; and even against them no complaint has been made to this Board, till very lately ; viz.

In the Massachusetts Bay an Act passed, in the year 1728, intituled, *An Act for the encouragement of making Paper*. This manufacture, as will appear by the following returns that have been made to us upon the subject of Trade and Manufactures, has hitherto made but a small progress, and can hardly be said, in a strict sense, to interfere with our own paper ; because almost all the paper sent to New England is foreign manufacture : But it certainly interferes with the profit made by our British merchants upon the foreign paper sent to this Province. However, no complaint has ever been made to us against this Law. By the return to our circular letter to the Governor of New Hampshire, we are informed that an Act passed many years since in that Province for encouraging of Iron Ore is prohibited : but, upon the most diligent inquiry, no such Act is to be found in our Office, and we believe none such was ever transmitted to this Board : however, not knowing whether this Act might not have passed since the Late King's accession, we have inserted it in this list. In New York a Law passed in the year 1728 intituled, *An Act to repeal some parts, and to continue and enforce other parts, of the Act therein mentioned ; and for granting several duties to His Majesty, for supporting his government in the Colony of New York, from the first of September 1728, to the first of September which will be in the year 1733 wherein, amongst other duties, one was laid of five ounces of plate, or forty shillings in bills of credit, on every negro imported from any other place*. The Plantations, in all times past, have laid duties upon the importation of negroes ; and, as the merchants have naturally increased their price in proportion to those duties, so it is but lately that complaints have been made upon this subject, unless when those impositions went to excess. But we are of opinion, that it would be more for the interest of the English Merchants, that duties upon negroes should for the future be paid by the purchaser, rather than by the importer ; and H.M. has, upon our representation, been pleased to send an Instruction to that effect, to all his Governors in America. North Carolina hath but lately been purchased by the

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Crown ; and no laws have been passed there, since that purchase, by H.M. Governor : But we have lately received a Collection of the Laws of that Province, enacted during the time of the late Proprietors ; amongst which we find two Acts, passed in the year 1715, which seem to come within the meaning of your Lordships' Order ; viz. *An Act concerning Attorneys from foreign parts, and for giving priority to Country Debts* ; and *An Act for raising a Publick Magazine of Ammunition upon the tonage of all Vessels to this Government*. Both these laws are very partial to the inhabitants of this Province : The first, by giving the preference to themselves, in the recovery of their debts, before the subjects of this Kingdom ; and the second, by excusing such vessels as are owned, or in part owned, by the inhabitants of that country, from paying the Powder Duty thereby imposed ; otherwise we should have no objection to these Laws, because a Powder Duty has always been collected and paid in all the Colonies abroad, by ships trading thither, without complaint to this Office. In South Carolina a Law, passed in the year 1727, intituled, *An Act for carrying on several expeditions against the Indians, and other enemies &c.* by which a duty was revived of ten pounds, current money of that country, amounting to about £1 8s. 6d. sterling, on every negro of above ten years old, if imported directly from Africa ; and of five pounds per head, if under ten years of age, and not sucklings ; and if imported from any other Plantations, above ten years old, fifty pounds ; and under ten years old, five pounds ; except proof were made that they were all new negroes, and had not been above six months in America. Complaint was made against this act by the merchants in the year 1729, not for the value of the duty, but for the manner of the collection : Whereupon this Board proposed to H.M., at the request of the said merchants, that the same should be made payable for the future by the purchaser, and not by the importer : and it was from hence, that the Instruction already mentioned under the head of New York took its rise. By the Charter of Pensylvania it has already been observed, that the Proprietor is obliged to offer the Laws of this Province to the Crown, for approbation, or disallowance, within five years after they are passed ; and if H.M. does not think fit to repeal them in six months from the time they are so offered, it is not in the power of the Crown to repeal them afterwards. But since the year 1715, this article of the Charter has been evaded, and the Laws of this Province have not been transmitted to this Board, except occasionally an act or two ; so that we are not enabled to lay the state of the Laws of this Province before your Lordships. Maryland is a Province of which the Lord Baltimore is absolute Proprietor ; and as he is not obliged by his Patent to lay the Laws passed there before the Crown for approbation, we know little of them, except of such Acts as the merchants have reason to complain of ; two of which are to be found in a list of Laws lately delivered to this Board by the merchants, imposing duties on the importation of negroes and Irish servants ; which we shall insert in another part of this Report. In Bermuda a Law passed



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in 1731, intituled, *An Act to supply the deficiency of the several funds in these Islands, for finishing the fortifications, and for defraying the other charges of this Government.* This Law lays a duty of three per cent. on all goods and merchandize not belonging to the inhabitants ; on which account we laid the same before H.M. for his disallowance. At the Bahamas an Act was passed in 1729 intituled *An Act for levying divers sums of money for defraying the publick charges of these Islands ;* which imposes a duty of eighteen-pence per barrel on beer or cyder, and three shillings per gross, if in bottles. There are other duties also laid by this Act, from which the inhabitants are exempted ; and therefore we should have immediately laid the same before H.M. for his disallowance ; but, considering the extreme poverty of this new Colony, and the great difficulty they are under to find out funds to support their Government, and as these duties are but small, we have chosen to let this Act lie by, till the Governor can get another passed for the like purposes, not liable to the same objections. These are the Laws passed since His Late Majesty's accession, that can reasonably be said to fall within your Lordships' order ; nor has any complaint been made to us, till very lately, of any other of more antient date : But, upon a late Petition to H.M. from the Merchants of London, in behalf of themselves and others, complaining, " that, as the Laws then stood in some of the Colonies, H.M. subjects residing in Great Britain were left without any remedy for the recovery of their just debts, or had such only as was very partial and precarious ; as also, that, in several of the said Colonies and Plantations, greater and higher duties and impositions are laid on the ships and goods belonging to H.M. subjects residing in Great Britain, than on the goods and ships of persons inhabiting the said Colonies and Plantations ; " we desired the said Merchants to acquaint us, whether they knew of any particular Laws, against which they had reason to object : Whereupon they did deliver to us a list of Laws, wherein the said Colonies appear to have been very partial in their own favour ; in some of them exempting their persons from arrests, in others giving a preference to the inhabitants before the British Merchants in the recovery of debts, and in the enacting of duties ; whereby a less burden is laid upon their own effects than upon those of the British Merchants. But as some of the Laws in that list are already taken notice of in this Representation, and others expired, or long since repealed, we shall only enumerate to your Lordships such of them as we apprehend to be still in force ; viz.—An Act passed in Virginia in 1663 intituled, *An Act concerning foreign Debts ;* by virtue of which, debts owing to persons non-residents are not pleadable, unless for goods imported. An Act passed in Virginia in 1664 intituled, *An Act for the priority of payment to the country creditors ;* by which the priority in the payment of debts is given to the creditors who are inhabitants of that Province. An Act passed in Virginia in 1668, intituled, *Privilege of Virginia Owners ;* by which Virginia owners are exempted from paying the duties of two shillings per hogshead, which the merchants of Great Britain, and other owners of ships,

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are obliged to pay. An Act passed in Virginia in 1669, intituled, *An Act for freeing Virginia Owners from Castle Duties* ; by which the Virginia owners are also exempted from paying the Castle Duty of one shilling and threepence per ton, which the merchants and others residing in this kingdom are obliged to pay. An Act passed in Virginia in 1680, intituled, *An Act for raising a publick Revenue for the better Support of this H.M. Colony of Virginia* ; by which the foregoing privileges were confirmed to the Virginia owners. An Act passed in Maryland in 1704, intituled, *An Act confirming to the Governor of this Province the Duty of threepence per ton upon the burden of ships and vessels* ; by which a duty of three-pence per ton was imposed on English ships, from which the ships of that Province are exempted. An Act passed in the same Province in 1704, intituled, *An Act for laying an Imposition on several commodities exported out of this Province* ; by which non-residents were obliged to pay a double duty on furs exported. Traders from Great Britain were then deemed residents ; but by the collection of Laws printed in Maryland it appears, that an Act was passed there in 1723, the Province being then under the Government of its Proprietor, intituled, *An Act repealing such part of an Act of Assembly intituled, An Act for laying an imposition on several commodities exported out of this Province, as relates to the laying of an impost or duty on furs and skins only ; and for laying an imposition on Pork, Pitch and Tar, in lieu thereof* ; by which a duty of one shilling is laid on every barrel of pork, and six-pence on every hundred weight thereof ; one shilling on every barrel of pitch, and six-pence on every barrel of tar, that should be imported by any but inhabitants, in lieu of the abovementioned duty upon furs : and by this Act, the privileges before enjoyed by the British traders are not preserved. By another Act passed in Maryland in 1704, intituled, *An Act for the relief of creditors in England against bankrupts who have imported any goods into this Province not accounted for*, the British creditors of bankrupts are put under such difficulties in the recovery of their debts, as are almost unsurmountable. Another Act passed in the same Province in the year 1715, intituled, *An Act laying an imposition on Negroes, and on several sorts of liquors imported ; and also on Irish servants, to prevent the importing too great a number of Irish Papists into this Province* ; by which a duty is laid on all liquors imported ; and also a duty of twenty shillings per head on negroes, and Irish servants ; which duties are not to be paid by vessels belonging to the inhabitants of the said Province. It appears, from the dates in the Laws in the foregoing list, that most of them were passed long ago, and might very probably be thought reasonable at the time when they were enacted, as encouragements to such as should be disposed to transport themselves, and lay out their small fortunes in America ; which we conceive to be the reason why no complaint was ever made against them, that we know of, till the above-mentioned Petition from the Merchants of London in 1731, which having been referred, by H.M. Order in Council, to the consideration of this Board, we did, by our representation to the King dated



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January the 21st, 173 $\frac{1}{2}$ , set forth, in a very ample manner, the sense we had of the several matters complained of by the Merchants ; and there being many things in that representation, which are pertinent to the present inquiry, we beg leave to transcribe it in this place, etc. *Quoted. v. C.S.P. 1732, Jan. 21.*

*Continue : Manufactures and Trade . . . .* The state of our Colonies being naturally subject to frequent variations in their trade, manufactures, and other particulars ; we thought it proper for H.M. service, and the discharge of our trust, from time to time, to send certain general queries to the several Governors in America, of which there were several relating to trade and manufactures : These circular queries, which were first sent in the year 1719, have been repeated as often as necessity required ; and it is from the answers received, in return to those queries, that we are enabled to lay the following accounts before your Lordships. *Nova Scotia.* With regard to Nova Scotia, the most northern English settlement on the Continent of America, Colonel Vetch, who was formerly Governor of this Province, in his answer to the above-mentioned queries, dated in August 1719, informed us, that there were no manufactures then established in this country ; and that the trade of the inhabitants consisted chiefly in furs, peltry and cod fishing ; in raising small quantities of naval stores ; and in lumber : which still continues to be the state of this Province, with regard to trade and manufactures ; as appears by the returns we have received to our queries from Colonel Philipps, the present Governor of Nova Scotia, dated the 24th January, 173 $\frac{1}{2}$ , in which he acquaints us, that there are no manufactures in this Province ; and that the inhabitants trade with no foreign Plantation, except Cape Breton, to which place they send a little corn, and a few live cattle, which are paid for by the French in money : and that their trade to Europe consists in dry cod cured at Canco. But, upon this occasion, we think it our duty to take notice, that we have received complaints of the very bad manner in which the Canco fish is cured by the people of New England, which brings British fish into discredit in foreign markets. *New Hampshire.* Colonel Shute, Governor of New Hampshire, in his return to our General Queries in 1719, informed us, that they had no settled manufactures in that Province ; and that their trade principally consisted in lumber and fish. But Mr. Belcher, the present Governor of New Hampshire, in his letter dated the 4th day of December 1731 acquainted us, that the woolen manufacture of that Province was much less than formerly ; the common lands, on which the sheep used to feed, being now divided into particular properties, and the people almost wholly cloathed with woolen manufactures from Great Britain ; but that the manufacturing of flax into different kinds of linen was daily increased by a great resort of people from Ireland, well skilled in the linen manufacture. Mr. Belcher has since informed us, that, about ten years ago, an Act was passed, in this Province, for the encouragement of iron works ; by which a grant was made of about eight thousand acres of the King's lands, as a farther encouragement to the

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proprietors and undertakers of those works. With regard to the trade of this Province, he acquaints us, that it now consists, as it had done for many years past, in the exportation of naval stores, lumber, and fish. *Massachusetts Bay, in New England.* In 1719 Colonel Shute, who was at that time Governor of Massachusetts Bay, as well as of New Hampshire, informed us, that in some parts of this Province the inhabitants worked up their wool and flax, and made an ordinary coarse cloth, for their own use, but did not export any : that the greatest part, both of the woolen and linen cloathing, which was then worn in this Province, was imported from Great Britain, and sometimes linen from Ireland ; and that, considering the excessive price of labour in New England, the merchants could afford what was imported cheaper than what was made in that Province. That there were, also, a few hatters set up in the maritime towns ; and that the greatest part of their leather was manufactured by the inhabitants. That, for many years past, there had been iron-works, which afforded the people iron for some of their occasions ; but that the iron imported from Great Britain was esteemed much better than their own, and was wholly used for the service of their shipping ; and that the iron works, established in the Province could not produce a sufficient quantity to answer a twentieth part of their consumption. Mr. Belcher, the present Governor of this Province, in answer to the same Queries which we sent him in June 1731 acquainted us, that there is a resolve, of the Assembly of that Province, subsisting, for allowing a bounty of twenty shillings to all persons, and ten shillings more to John Powell, the first undertaker, for every piece of duck or canvas by them made ; but he does not give us any account of the quantity that has been produced. He further says, that there were some other manufactures carried on in New England ; such as the making brown holland for women's wear ; which lessens the importation of callicoës, and some other sort of India goods, into that Province. That there are likewise some small quantities of cloth, made of linen and cotton, for ordinary sheeting and shirting. That about three years ago a paper-mill was set up, which makes to the value of about two hundred pounds sterling per annum ; and he hath since informed us, that there hath lately been a new paper-mill set up at Falmouth, in Casco Bay, which at that time had not begun to work for want of materials. That there are several forges for making bar iron, and some furnaces for cast iron, or hollow ware, and one slitting-mill, the undertaker whereof carried on the manufacture of nails. As to the woolen manufactures of this Province, Mr. Belcher says, that the country-people, who used formerly to make most of their cloathing of their own wool, do not at present manufacture a third part of what is necessary for their own use, but are generally clothed with English manufactures. We have likewise been informed, by letters of older date from Mr. Belcher, in answer to our annual Queries, that there are some few copper mines in this Province ; but so far distant from water-carriage, and the ore so poor, that it is not worth the digging. Colonel Dunbar, Surveyor-General



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of H.M. Woods in North America, in his letter to us, dated the 15th day of September 1730, takes notice, that the people of New England have an advantage over those of Great Britain in the drawback allowed for all India and other goods exported thither, which pay a duty in Great Britain, but are subject to no duty of importation either in this Province, or any other of the Plantations. He has likewise transmitted to this Board several samples of edge-tools made in New England; and, in his letter to our Secretary, dated the 4th day of June 1731 he says they have six furnaces, and nineteen forges, for making iron, in New England. He also acquainted us in a former letter, dated the 19th day of August 1730 that in this Province many ships are built for the French and Spaniards, which are trucked with those people by connivance, for rum, molosses, wine, and silk. And these informations have been, in great measure, confirmed by Mr. Jeremiah Dunbar, Deputy-Surveyor of the Woods; and also by Mr. Thomas Coram, a person of reputation, who resided many years in New England: to which they have added, that great quantities of hats are made in that Province, of which the Company of Hatters of London have likewise lately complained to us; which gave birth to an Act of Parliament that was passed in the last Sessions upon this subject. We are further informed by the said Mr. Jeremiah Dunbar, that the people of New England export great quantities of hats, of their own manufacture, to Spain, Portugal and our West India Islands; that they make all sorts of iron works for shipping; and that there are several still-houses, and sugar-bakers, established in New England. But we cannot conceal from your Lordships, that it is with the greatest difficulty we are able to procure true informations of the trade and manufactures of New England; which will not appear extraordinary, when we acquaint your Lordships that the Assembly of the Massachusetts Bay had the boldness to summon the above-mentioned Mr. Jeremiah Dunbar before them, and pass a severe censure upon him, for having given evidence at the Bar of the House of Commons of Great Britain, with respect to the trade and manufactures of this Province, agreeable to the tenour of what is above-mentioned under his name. *New York.* Governor Hunter, formerly Governor of New York, in his answer to our Queries in the year 1720 informed us, that there were no manufactures in that Province, which deserved to be taken notice of; and that their trade consisted principally in furs, whalebone and oil, pitch, tar, and provisions. Mr. Rip Van Dam, President of the Council in New York, acquainted us, by his letter dated the 29th of October 1731 that there are no manufactures established there, that can affect the manufactures of Great Britain: and as to the trade and Navigation of the Province, he says, there is yearly imported into New York a very large quantity of the woollen manufactures of this kingdom, for the use of the inhabitants, which they should be rendered incapable to pay for, and reduced to the necessity of making for themselves, if they were prohibited from receiving the money, rum, sugar, molosses, cocoa, indico, cotton, wool, &c. which, at that time, they imported from the

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foreign Sugar-Colonies, in return for provisions, horses, and lumber, productions of New York and New Jersey ; of which, he affirms, the British Colonies did not take off above one half : but, by an Act passed the last Sessions of Parliament, this trade with the foreign Sugar-Colonies is restrained. *New Jersey.* With regard to New Jersey, we have not yet received particular returns to the Queries which we have transmitted thither upon these subjects ; but the Company of Hatters, in London, have informed us, that hats are manufactured, in this Province, in great quantities. *Pensylvania.* As to the Province of Pensylvania, Colonel Hart, who lived many years in the neighbourhood of this country, when Governor of Maryland, acquainted us, in answer to the like Queries relating to this Province, in 1720, that their chief trade lay in the exportation of provisions and lumber ; and that they had no established manufactures, their cloathing, and utensils for their houses, being all imported from Great Britain. And, by a letter which we received in January 1731 $\frac{1}{2}$  from Major Gordon, Deputy Governor of this Province, he acquainted us, that he did not know of any trade carried on, in that Province, which could be injurious to this kingdom ; and that they do not export any woolen or linen manufactures ; all that they make, which are of the coarser sort, being intirely for their own consumption. We are farther informed, that, in this Province, are built many brigantines, and small sloops, which they sell in the several parts of the West Indies. *Maryland.* Colonel Hart, formerly Governor of Maryland, in answer to our Queries with regard to this Province, in 1720 acquainted us, that their principal trade was in tobacco ; which, bearing a reasonable price, at that time, the inhabitants did not employ themselves in the establishment of new manufactures, or the promotion of such branches of commerce as might arise from any other productions of that country. And, agreeable to this, the Upper and Lower House of Assembly of this Province, in a late address to their Deputy-Governor, in answer to our general Queries, represent, that the produce of their tobacco, which is their chief commodity for trade, was, alone, sufficient to supply the people with cloathing, and other necessities, from Great Britain ; but that necessity had driven some of the poorer sort of inhabitants to make small quantities of linen and woolen manufactures for their own use ; but that no part of them was exported. *Virginia.* In the year 1720 we had no returns to our General Queries from the Province of Virginia ; but Major Gooch, the present Lieutenant Governor of this Colony, in his letter dated the 22nd of December 1731 informed us, that they carried on no trade from thence, except that of tobacco ; nor had they any manufacture established amongst them, which deserved to be taken notice of ; but that some poor people provided themselves with cloathing of a kind of coarse mixed cloth, made of wool and cotton, and of linsey-woolsey, where they were enabled to purchase better by their labour in the cultivation of tobacco ; and, by a subsequent letter from Major Gooch, dated October 5, 1732, he informs us, that there hath been one potters' work set up in Virginia for



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coarse earthen ware ; but this is of so little consequence, that he believes, it has occasioned little or no diminution in the quantity of earthen ware that had been commonly imported : that they have now four iron works, in that Colony, employed in running pig ore only, which is afterwards sent to Great Britain, to be forged and manufactured. But this gentleman informs us, that the people of New England being obliged to apply themselves to manufactures more than other of the Plantations, who have the benefit of a better soil, and warmer climate, such improvements have been lately made there in all sorts of mechanic arts, that not only escritaires, chairs, and other wooden manufactures, but hoes, axes, and other iron utensils, are now exported from thence to the other Plantations ; which, if not prevented, may be of ill consequence to the trade and manufactures of this kingdom ; which evil may be worthy the consideration of a British Parliament. *Carolina.* From the Province of North Carolina we have received no returns to our General Queries, either whilst that country was in the hands of the Lords Proprietors, or since it hath been purchased by the Crown. From South Carolina we are informed, by a letter we have received from Colonel Johnson, the present Governor of that Province, dated the 14th of November 1731, that the manufactures established there, which interfere with those of Great Britain, are scarce worth naming ; being confined to a few hats, shoes, and coarse mixed cloths, made of cotton and wool, for the use of their negroes. — *Rhode Island.* The Governor of Rhode Island, in his answer to our Queries, dated the 9th of November, 1731, informs us, that they have iron mines in this island ; but that they do not afford a fourth part of the iron that is requisite for the use of the inhabitants ; and he takes no notice of any sort of manufacture set up there. *Connecticut.* We have had no return to our Queries from the Governor of Connecticut ; but we find, by some accounts in our Office, that the productions of this Colony are timber, boards, all sorts of English grain, hemp, flax, sheep, cattle, swine, horses, goats and tobacco ; of which they export horses and lumber to the West Indies, and receive in return sugar, salt, molasses and rum. We likewise find that their manufactures are very inconsiderable ; the people being generally employed in tillage or building, and in tanning, shoe-making and other necessary handicrafts, such as taylors', joiners', and smiths' work ; without which they could not subsist. Having thus gone through the several Governments on the Continent of America, with regard to their trade and manufactures, we come now to lay before your Lordships such accounts as we have received upon the same subjects, with respect to H.M. Island Governments. *The Bermuda and Bahama Islands.* By the returns made to us from the Governors of the Bermuda and Bahama Islands, in the year 1730 we find, that the only manufactures set up in these small Governments are, the building of sloops, the making hats of a production called plat, and a little joiners' work ; but their sloops, especially those of Bermuda, make the principal article of their commerce, and are sold or bartered for provisions and negroes in the other parts of

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America, and the West Indies. *Jamaica, Leeward Islands, and Barbados.* By the latest returns we have received to our General Queries from H.M. Sugar-Colonies, Jamaica, the Leeward Islands, and Barbados, we do not find, that they have any manufactures (except those of sugar, molosses, rum and indico), upon which they have their greatest independence: and these Colonies do likewise produce cotton, aloes, pimento, coffee, and some other particulars of less consideration, which are commodities that do not interfere with the trade of Great Britain; but, on the contrary, some of them are of great use in our manufactures. In the year 1724 Mr. Worsley, then Governor of Barbados, informed us, that of cotton they made hammocks, a few stockings, and nets for horses. Having thus laid before your Lordships the best accounts we have been able to procure of the Laws, manufactures and trade of the Plantations, which may have affected the trade, navigation, and manufactures of this kingdom, we come now to the latter part of your Lordships' order, whereby we are directed to distinguish what orders or instructions have been given to discourage the same; and when any such trade was first carried on; and what directions have been given, or methods taken, to put a stop thereto. We beg leave to observe to your Lordships, that it is impossible for us to ascertain the particular dates, when the several branches of general commerce, or the domestick trades and manufactures of the several Provinces enumerated in this Report, were first undertaken. Some of them are founded in necessity, and are undoubtedly as old as the first establishment of the respective Colonies; others of a more recent date, having nothing in them inconsistent with the trade and welfare of this kingdom, may, for that reason, have been practised for a long time, without falling under publick notice: and, with regard to such as may have deserved the most early check, for being repugnant to the Laws, or detrimental to the trade, of the Mother-Country, it is not at all improbable, that some former Governors of our Colonies, who may in general be said to depend too much upon the Assemblies of their respective Provinces for the establishment of their salaries, and other appointments, may, in breach of their Instructions, have given their concurrence to Laws, or have connived for many years at the practice of trades, prejudicial to the interest of Great Britain, till the evils arising from them became too considerable to be any longer concealed. But we beg leave to acquaint your Lordships, in general, that there is extant, in the Books of our Office, a Body of Instructions relating to the Acts of Trade and Navigation, which were prepared by a Committee of the Lords of the Privy Council, with the assistance of the Commissioners of the Customs, so long ago as the year 1686, in which we find mention made of former Instructions, upon those subjects, to the Governors of the Plantations, which do not appear in our records. But from the first institution of this Board, to the present time, it hath been a constant practice, for the Crown to give a set of Instructions to every Governor in the Plantations, relating to the Acts of Trade and Navigation, which have always been formed at this Board with such additions to



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those of 1686 or such variations from them as the circumstances of each Province respectively, or the ordinary vicissitudes incident to subjects of this nature, may have rendered necessary. The purport of the principal Articles of these Instructions, which come within the meaning of your Lordships' order, is as follows ; that the several Governors of the Colonies, Provinces, and Islands in America, do take care, that all the Acts relating to Trade and Navigation be duly observed : that all naval officers, appointed by any Governor, do give security to the Commissioners of the Customs : that no ships, but such as are built in the British Dominions, and are owned and manned by subjects of Great Britain, shall trade in the Plantations : that such ships shall give security to bring the enumerated goods to Great Britain, or to some of the Plantations : that the Governors do transmit accounts of the trade of their respective Provinces to the Lords of H.M. Treasury, to this Board, and the Commissioners of the Customs : that no foreign European goods be imported into the Plantations ; except such as are shipped in Great Britain : that no bye-laws be allowed in the Plantations contrary to the Acts of Trade and Navigation : that the Governors correspond with the Commissioners of the Customs, and advise them of all frauds, and of neglects and breaches of duty in their subordinate officers : that they endeavour to prevent the exportation of wool, or woollen manufactures, from one Province of H.M. territories in America to another : that they endeavour to prevent frauds in the importation of tobacco : that they endeavour to prevent clandestine trade to the East Indies, Madagascar, &c. and to prevent the unlawful importation of East India goods : These principal Instructions are supported by several others, which are distinct rules, contrived to enforce the observation of the former : and the several Governors are strictly enjoined to put them in execution, under the penalty of being deprived of their offices, of forfeiting the sum of one thousand pounds, and of incurring the displeasure of the Crown : and Proprietors of Provinces are laid under the same injunctions, upon the penalty of forfeiting their grants. We beg leave to acquaint your Lordships, that, besides these general Instructions, this Board have never failed to represent their sense of particular grievances, and point out the best methods for redress of them, as often as we have received complaints upon such occasions, either for incorporated bodies, or private traders ; which, from the variety of accidents, attending trade in the several Governments of America, have been very frequent, and have given rise to several other Instructions, particularly to these following ; some of which are general to all the Governors of the Plantations, and others peculiar to respective Provinces, as the reason of things, or the exigency of the case, may have required. It is a general Instruction to all the Governors of H.M. Colonies and Provinces in America, that they transmit to H.M., and to his Commissioners for Trade and Plantations, from time to time, an account of the wants and defects of their respective governments, what new improvements are made therein by the industry of the inhabitants or planters, and what further improvements

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may be made, or advantage gained in trade, by the assistance or interposition of the Crown.

*The following Instructions are likewise general to all the Governors in America.* That they examine what rates and duties are charged upon goods exported or imported : that they use their best endeavours to prevent the ingrossing of commodities ; and to improve the trade of their respective governments, by making such orders and regulations therein, with the advice of H.M. Council, as may be most acceptable to the generality of the inhabitants. That they give due encouragement to merchants, and such as bring trade to their respective governments ; particularly to the Royal African Company, and other subjects of Great Britain trading to Africa : That they take care, that contracts for negroes be duly complied with, within a competent time, according to agreement : That all obstructions in the course of Justice be effectually removed, and Courts frequently held, that traders may not receive any undue hindrance in the recovery of their just debts : That, in time of war, they use their best endeavours to hinder all trade and correspondence with the French, whose strength in the West Indies gives very just apprehensions of the mischiefs that may ensue from thence, if the utmost care be not taken to prevent them : That in times of peace they observe the Treaty of Neutrality, concluded betwixt Great Britain and France in November 1686 : That they do not pass any law whereby the King's Prerogative, or the property of his subjects, may be prejudiced, or the trade or shipping of this kingdom be any ways affected, until they shall have first transmitted the draught of such Act to H.M., and have received His Royal Pleasure thereupon ; unless there be a clause in the Act suspending the execution, until H.M. Pleasure thereupon be known. The Governors of all the Plantations are likewise directed to desist from their antient claim of the produce of whales of several kinds, taken on the coasts of their respective governments, upon pretence that whales are royal fishes ; and that, on the contrary, they give all possible encouragement to fisheries upon the coast of the Plantations. They are also instructed not to pass laws, whereby the inhabitants of the Plantations may be put upon a more advantageous footing than those of Great Britain. Not to pass any law, by which greater duties or impositions shall be laid on ships or goods belonging to the subjects of Great Britain, than on those belonging to the inhabitants of the Plantations ; nor any law, whereby duties shall be laid, in their respective governments, upon the product or manufactures of Great Britain. That they do not pass any Act, whereby duties upon negroes shall be made payable by the importer. It is an antient Instruction to the Governors of Virginia, that all tobaccos shipped in that Province, shall pay Virginia duties. The Governor of this Province is also directed to adhere strictly to the terms of the Act of Navigation, with regard to the package and shipping of tobacco. The Governors of New York, the Massachusetts Bay, and the other northern provinces on the Continent of America, are directed to be aiding



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and assisting to H.M. Surveyor-General of the Woods, and his deputies, for the security and preservation of such trees as shall be found proper for the service of H.M. Royal Navy. The Governors of those Provinces are also instructed to enforce the observation of the several Acts of Parliament of the third and fourth years of Queen Anne, of the eighth of His Late Majesty, and the second year of his present Majesty, for the preservation of white pine-trees, and for encouraging the produce and importation of naval stores into this kingdom from those Provinces. But, having been required by the Lords of H.M. Privy Council, in the year 1728, to lay before them the best informations we could procure, of any projects then carrying on, or that might have been undertaken, for promoting the silk, linen or woolen manufactures, in any of H.M. Plantations, *etc. quote from report on that occasion.* v. C.S.P., 1728. *Endorsed*, Presented by the Earl of Westmorland pursuant to an Address of the 13th of June last. 25th Jan., 1733 $\frac{3}{4}$ . Referred to the consideration of a Committee of the whole House. 42 pp. [C.O. 324, 12. pp. 7-71; and C.O. 5, 5. ff. 46-67 v., 68 v.]

[Jan. 23.] **21.** Printed copies of preceding, ordered to be printed by the Lords Spiritual and Temporal *etc.*, 21st Feb., 1733 $\frac{3}{4}$ . 20 pp. [C.O. 5, 5. ff. 73-82 v.]

[Jan. 23.] **22.** Printed copy of above Representation. London. Printed in the year MDCCLXIX. 27 pp. [C.O. 5, 5. ff. 31-45.]

Jan. 24. **23.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 15 Acts of Bermuda passed 1731-1733. [C.O. 38, 8. pp. 170-173.]

Jan. 28. **24.** Governor Mathew to the Council of Trade and Plantations.  
St. Christophers. By a letter of the 17th inst. I laid before your Lordships our wants in case of a warr, and sent that letter by a ship bound for Bristol, which I thought would have sayld long before this I send this by, but has delayd so that both will probably be deliverd at the same time, and therefore I do not herewith repeat to your Lordships what I presum'd to offer in the other. With this I send to Mr. Popple an Act of the Island of Nevis, whereby three hundred pounds p. an. currency of these Islands and payable in sugar (which is at least seventy p. cent. worse than cash) is settled upon me in regard to H.M. Additional Instruction for my support. I am in hopes your Lordships will honour me with your protection and favour as to this law, as well as to that from Antigua, for which I formerly, when I transmitted it, prayed the like help, it can avail nothing to me unless you will please to recommend it for H.M. approbation. This provision is two hundred pounds a year less than what this Island gave Lord Londonderry. But his settlement was obtained with much sollicitation and ill will, this to me is their own voluntary gift, and I therefore am as well satisfyd with it. I wishd for but one hundred pounds p. an. more. But they stood to their first

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resolution and I accepted it. *Signed*, William Mathew. *Endorsed*,  
Recd. 28th Jan., 1734, Read 18th July, 1735. *Holograph*. 2 pp.  
[C.O. 152, 21. ff. 70, 71, 71 v.]
- Jan. 28. **25.** Mr. Fane to the Council of Trade and Plantations. Report  
upon Act of S. Carolina *for settling the estate of Richard Beresford*  
*decd.* *Quotes Act.* *Continues* :—I beg leave to say upon con-  
sideration of this Act that the interposition of the Legislature in  
this matter of private property is the most extraordinary and  
unprecedented proceeding that I ever knew. It is taking upon  
themselves a power which was never attempted by any Legisla-  
ture before, and which might prove highly detrimentall to the  
subjects of this Colony, should it not be discouraged in the first  
attempt. In the case before your Lordships the Legislature from  
the motives of compassion as they call it, have actually taken part  
of the father's estate from one son and given it to another,  
expressly contrary to the direction of his will, they have altered  
limitations and express bequests, and in short have framed such a  
will for the father as they thought was proper for him to make.  
The foundation of this extraordinary proceeding was that the  
younger son happened to be born after the making their father's  
will and had no provision made for him thereby. To be sure his  
case is very unhappy and must move the compassion of every  
good-natured man, but that can never be urged as a reason for  
the interposition of the Legislature in his favour so as to alter the  
express will of his father to the prejudice of other persons : for if  
this is to be suffered ; and it is to be drawn into precedent, there  
will be little occasion for the statutes of wills. For these reasons  
and for that there are not the proper saving clauses incerted in  
this Act as there ought to be in all private Acts, I am humbly of  
opinion that this Act ought to be repealed *etc.* *Signed*, Fran.  
Fane. *Endorsed*, Recd. 28th Jan., Read 7th March, 1734. 8½ pp.  
[C.O. 5, 363. ff. 45-49, 54 v.]
- [Jan. 28.] **26.** Copies of Minutes of Council of Barbados, Jan. 4, 1733  
and April 12, 1733. *Endorsed*, Recd. 28th, Read 31st Jan., 1734.  
8 pp. [C.O. 28, 24. ff. 3, 4-7 v.]
- [Jan. 29.] **27.** Petition of Thomas Lowndes to the Council of Trade and  
Plantations. *Repeats his claim* to a barony in S. Carolina, and  
prays the Board that directions be given to the Surveyor General  
to run out said grant in any tracts of vacant land *etc.* *Endorsed*,  
Recd. 29th Jan., Read 5th March, 1734. 2½ pp. [C.O. 5, 363.  
ff. 40-40 v.]
- [Jan. 29.] **28.** Col. Horsey to the Council of Trade and Plantations.  
Prays for a favourable report upon his claim to 48,000 acres in  
S. Carolina *etc.* *Cf.* Jan. 23 and *Journal of Council.* *Signed*,  
Samll. Horsey. *Endorsed*, Recd. 29th, Read 31st Jan., 1734.  
[C.O. 5, 363. ff. 32, 36 v.]
- Jan. 31. **29.** Order of King in Council. Ordering the Master General  
St. James's. of H.M. Ordnance to prepare an estimate of the charge of the



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 5370 cannon shot petitioned for by Antigua *etc.* Signed, W. Sharpe. *Endorsed*, Recd. 1st., Read 20th June, 1734. 2 $\frac{2}{3}$  pp. [C.O. 152, 20. ff. 99-100 v.]

[? 1734.] **30.** Address of the Governor, Council and Assembly of Maryland to the King. We *etc.*, embrace this the first opportunity we have had in Assembly since our receiving the joyful news of the marriage of the Princess Royal with his Serene Highness the Prince of Orange to congratulate your Majesty on so great and happy an event. Although our situation in this remote part of your Majesty's Dominions prevented our earlier Address; yet we beg leave with all sincerity and humility to assure your Majesty that as we are in our loyalty to your person and attachment to your family equal to the best of your subjects, so was our joy upon this important occasion. As the present happy establishment in your August House and the blessings which all your subjects enjoy under your Majesty's most mild and just government are derived under God from that illustrious hero King William the Third of glorious memory; a match of the eldest daughter of Great Britain with the chief branch of the House of Orange cannot but fill the hearts of all your faithful subjects with the greatest joy and the most grateful sense of your Majesty's paternal care and goodness in taking every step, which the most perfect human wisdom can suggest to secure them and their latest posterity the enjoyment of the same felicity. May all your Majesty's endeavours for the glory of your Royal person and family, the good of your people in particular, and of mankind in general be crowned with success; may your reign be long and prosperous and may the Imperial sceptre of Great Britain be ever swayed by one of your Royal line is the hearty prayer of, *etc.* Signed, Sam. Ogle, J. H. Hall, President, J. A. Harris, Speaker. Without date. 1 large p. [C.O. 5, 752. f. 127.]

Feb. 2. **31.** Petition of Capt. Taverner, later Surveyor of Newfoundland, to the Council of Trade and Plantations. *Abstract.* By the Treaty of Utrecht the French have liberty to fish with their ships only from Cape Bonavista to Portrich, which is the north part of Newfoundland, and no other. Since H.M. subjects have had possession of the west part, a considerable number of French, men, women and children, have deserted from Cape Britton, and settled in and about a harbour called Portabask, near Cape Ray, the extreme part to the west. Most of them ran away for debt or some felonious act, and generally brought with them stolen boats, and all sorts of goods, by which they have now become a little Commonwealth of themselves. Two years since when a French planter in Portbask died, and the principal inhabitants met to settle his affairs, but when petitioner asked to be paid a debt out his estate, he was answered that they would take care of themselves, but as to the English, they would have nothing to do with them. Those inhabitants are supplied from several ships of Byona and St. John Deluce, that fishes on a little island at Cape Ray, and some of them fish on the Main, contrary to the

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Treaty of Utrecht. But their greatest supply is from St. Malo and Rachael, who supply them with almost everything needfull to carry on the cod, salmon and seal fishery and furring, nay even with green men which are engaged for 36 months, which the masters in France pretend they are to serve at Cape Breton. Those ships load with fish, oil and furs, and go thence to Cape Breton, where they fraudulently obtain a certificate that their cargo was taken and made in there, by which they save 10 p.c. on their return to France. This has been their practice for several years. Some private men in the port of Ingarnish in Cape Breton, contrary to the Governor's order, enables Indians to come over from thence to Cape Ray, to take furs and hunt for venison, which is a very great prejudice to us that fish and trade in those parts, the fear of those Indians deters our people so much that we have great difficulty to get men to go there. The French continuing to desert from Cape Breton with stolen goods, and the Governor have threatened the French inhabitants of Port Bask, concerning their employing those men and buying those goods, some of them have proceeded further to the Eastward among the English where the Admirals have seized those stolen boats and goods, and applyed them to their own use. By this means the French gentlemen have lost all their goods, which no doubt must be severely paid for by some of H.M. subjects some time or other. Those French inhabitants are very detrimental to H.M. subjects in their fishing, hunting and furring, but more particularly in cutting their timber, which is very scarce in that part of the country, and in few years there will be none left save for fireing. The French ships supplying the inhabitants with goods renders our trade ineffectual, which is very hard upon us, when those ships and goods are all confiscable by law. As there is such an appearance of war at present, *proposes* that a person well skilled in those affairs be empowered to prevent the supplying of the inhabitants of Port Bask and places adjacent with any but British goods ; to notify the Indians to depart from Newfoundland ; and that no runaways from Cape Breton may have liberty to sell their goods as formerly, but that they may be taken care of for the owners *etc.* Signed, Wm. Taverner. Endorsed, Recd. 5th, Read 6th Feb., 1734. 1 large p. [C.O. 194, 9. ff. 177, 177v.]

Feb. 4.  
Barbados.

**32.** Governor Lord Howe to the Council of Trade and Plantations. Inclos'd I have the honour to transmitt to your Lordships an Act pass'd the Council and Assembly here and to which I have giv'n my consent entituled *An Act for the further better and more certain regulating and appointing the fees of the Several Offices and Courts in this Island.* As also all the Minutes of Council relating to it with the Report of the Committee of Council to whom I referr'd the examination of the lists of fees of the several offices, which I had order'd to be giv'n in, in pursuance of H.M. 36th Instruction, to regulate all salarys and fees that they be within the bounds of moderation and that no exaction be made on any occasion whatsoever ; of which several complaints had been made to me. Upon the Report of the Committee of Council it



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appear'd many illegal and very exorbitant fees had been taken by the several officers or their deputys, to the list of which I beg leave to referr your Lordships in the paper marked D. annex'd to the Report, where your Lordships will observe they had exacted several sums over and above the fees which had been appointed to be taken by law for those particular services, and likewise several large sums for fees, for which there was no law made to impower them so to do, to both which they plead a sort of prescription because they had been taken by some of their predecessors contrary to law, but as notwithstanding their pretended right they were upon both those accounts liable to severe prosecutions and penaltys by several laws now in force in this Island, and as I thought it would be hard the present officers and deputys shou'd suffer for taking fees which they might think they had a right too, because the same had been taken by their predecessors, tho' illegally, and which perhaps they had neglected to examine into, and as I thought it was absolutely necessary the poor inhabitants here, especially under their present most unhappy circumstances shou'd be reliev'd from those heavy burthens and oppressions, and in obedience to H.M. 36th Instruction above-mention'd and 38th commanding me to use my best endeavours with the General Assembly to procure an Act to be pass'd for settling a salary or reasonable fees on the several Judges here and for restoring to the Clerks and Marshals the several and respective fees mention'd in an Act pass'd in Barbados in 1667 and repeal'd in 170 $\frac{9}{10}$  as prejudicial to the Secretary and Provost Marshal. All which fees by this Act have been again settled on the several Judges and Clerks and proper care taken, by appointing fees for the Secretary and Provost Marshal, that they might not be prejudiced thereby; for all those reasons I hope your Lordships will not disapprove my having referr'd the Report of the Committee of Council with the papers thereunto annex'd to the consideration of the General Assembly that they might bring in a law for regulating the fees, which accordingly they did and was pass'd by the Council and Assembly unanimously. Therein is first recited all the former laws for regulating fees which are now in force in this Island and also new fees are appointed for the several services for which there was no law before, for taking which as I had the honour before to observe to your Lordships the several officers and deputys were liable to severe penalties according to a law now in force; There is also a clause in this Act to oblige the several officers and deputys before they can enter upon the execution of their offices to give in security to the Governor in Council for the faithfull execution of their respective offices under the penalty of their being remov'd by the Governor with the advice and consent of the Council, and in their places to appoint any other person till the Patentee shall depute one that will comply with this Act, the reason of this clause was to prevent a very great grievance which has been long complain'd off, that in some cases people who suffer here by willfullness or negligence of officers, are oblig'd to go over to England to seek a remedy, which always must fall hardest upon the poorest

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people, and many have suffer'd because not in a capacity or able to take such a voyage to obtain relief. All those securitys are very small, as your Lordships will observe by the Minutes dated December 19th and to which I must also beg leave to referr, and which were fix'd in such a manner that the Patentees might not complain of any hardship and yet the poor people have a remedy in case they shou'd be impos'd upon or deceiv'd by the officers ; Before I gave my consent to this Bill, as several petitions setting forth the hardships the patentees wou'd suffer and the violation of their rights and priviledges, should this Bill pass into a law, had been giv'n in to the Council and Assembly and the petitioners had been heard by their Council thereto, and as I had several Instructions from H.M. relating to the Patent Officers, I took time to consider them, but though after that, I apprehended my passing this Bill, as it now stands, was not contrary to the true meaning and intent of those Instructions, yet as I always shall take the utmost care in everything to obey H.M. Commands, I chose rather than depend upon my own judgment to take the opinion of the several members of H.M. Council here, who when I found were unanimous in their opinions, as your Lordships will see by the Minutes of Council dated December 10th and to which I beg leave to referr, I then gave my assent to it. But also before I pass'd it I took particular care none of the Patentees shou'd suffer, by having made the strictest enquiry I cou'd whether the offices as the fees are now regulated cou'd be let for the same rent they were before, in case all the Deputys shou'd throw them up as they had declar'd they wou'd, and found several gentlemen were ready to give the same rents for them and undoubted securitys in the same sums as were before given, for the payment of them and for the faithfull execution of the offices, therefore the Patentees wou'd not be really hurt by this law but only their deputys depriv'd of making their fortunes at the expence and by the ruin of H.M. subjects the poor inhabitants of this Colony ; an instance of this has lately appear'd by a suit between two gentlemen for the profitts of the Deputy Provost Marshal's place, wherein a verdict has been given in the Court of Common Pleas and confirm'd lately in Chancery, by which it appears there was made of that office, exclusive of the rent paid in England and all other expences necessary for the execution of it, £1500 p. annum clear to the Deputy. I thought proper to mention this to your Lordships to show the complaints against the Deputy Officers for taking exorbitant fees are not without reason.—Two indeed of the Deputys (the Deputy Secretary and Deputy Register in Chancery and Clerk of the Crown, the two last places belonging to the same person) have thrown up their offices, and refus'd to give security according to the Act, but immediately two gentlemen took the said offices on the same conditions the others had them, and have given the same security, copies of which I have transmitted to Mr. Whitworth and Mr. Cracherode the two patentees, and had any of the other Deputys acted in the same manner, I doubt not there wou'd have been several found to have taken the offices with undoubted security ; upon the whole I hope your



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Lordships will not disapprove of my conduct in this affair, nor be of opinion I have acted contrary to H.M. Instructions, but think this Act ought not to be repeal'd and believe what I have done was intirely in regard to H.M. service and the interest of the people of this Island who at this time labour under many difficulties, and have the greatest occasion for some speedy relief. I have also the honour to inclose to your Lordships duplicates of my last, since which I have had fresh intelligence by Capt. Reddish, Commander of the *Fox*, H.M. station's ship here, that the French are making great preparations at Martinique as they give out in order to attack this Island, but I shall take all imaginable care to get our fortifications and militia in as good a condition as possible to receive them. *Signed, Howe. Endorsed, Recd. 1st., Read 2nd April, 1734. 3 large pp. Enclosed,*

32. i. Minutes of Council in Assembly of Barbados, 6th Dec., 1733—11th Jan., 1734. *Copy. Endorsed as preceding. 16 large pp. [C.O. 28, 24. ff. 23-33 v.]*

Feb. 4.  
Barbados.

33. Governor Lord Howe to the Duke of Newcastle. Duplicate of preceding covering letter. *Signed, Howe. Endorsed, R. 3rd April. 3½ pp. [C.O. 28, 45. ff. 311-312 v.; and (abstract of above letter and that of Jan. 6th), 304-307.]*

Feb. 6.  
Whitehall.

34. Council of Trade and Plantations to the Committee of Privy Council. In pursuance of your Lordships' orders of the 6th day of December last, we have considered the humble petitions of the Merchants of London and Bristol who trade to South Carolina, complaining of an Act passed in that Province, on the 20th day of August 1731 entituled, *An Act for appropriating the sum of one hundred and four thousand seven hundred and twenty-five pounds one shilling and three pence farthing, towards payment of the publick debts.* And likewise of an Act passed there in 1696, entituled, *An Act for the encouragement of the better settlement of South Carolina.* We have been attended upon this occasion by the Petitioners, and by Mr. Sharpe and others on the part of the Governor Council and Assembly of South Carolina, and have heard what either side had to offer, for the disallowance or confirmation of the Acts in question. We should naturally report our opinion at the same time to yor. Lordps. upon both these Acts; but with respect to the first of them commonly called the Appropriation Law, we have not yet receiv'd so perfect information concerning the several facts that have been advanc'd on either side, as may enable us to form a judgment upon them. But with regard to the Act for the encouragement of the better settlement of So. Carolina, as we are inform'd that the issue of several causes now depending in that Province, will in great measure be governed by H.M. Royal determination upon this Act, we think ourselves obliged to expedite our Report thereupon and to acquaint your Lordships, that by this Act, it is provided, *that no person or persons residing in So. Carolina, or that shall hereafter transport themselves into that Province, there to plant and inhabit, shall be arrested, sued or impleaded in any Court or imprisoned for*

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*any debt ; whether ye same be by bill bond, or any other specialty, accounts or reckonings whatsoever, contracted before their arrival there, until ye expiration of five years after his or their arrival in South Carolina.* We conceive this clause to be in its own nature, repugnant to the Common Law of England, and as it actually does prove extreamly detrimental to the interest of H.M. trading subjects by screening ill disposed persons who may be guilty of fradulent practices towards their correspondents and creditors, which must naturally tend to destroy the good faith and credit that ought always to subsist between merchants, we would humbly propose that this Act may be laid before H.M. for his disallowance. [C.O. 5, 401. pp. 82-84.]

Feb. 9.  
Jamaica.

**35.** Governor Hunter to the Duke of Newcastle. On the 11th day of last month the slaves in rebellion to the number of two hundred or as some say two hundred and fifty made an attempt upon the post call'd the Brest Work where we were a building a barrack, but were repuls'd by the party which cover'd the workers, since that time many of the slaves belonging to the planters in that neighbourhood have deserted to them, which has put their masters in great consternation and under dreadfull apprehensions. The Assembly meets on Tuesday next, which I hope will think it high time to apply more effectual remedies to these evils then they have hitherto done ; whatever is determined your Grace shall be acquainted with, but I think it my duty to give you my opinion frankly that this Island is in a very defenceless state. I had the honor of your Grace's letter of the 27th of August by the last ship, with a copy of H.M. order to the Recorder of London, relating to the pardon of Wright and Wyatt etc. *Signed*, Ro. Hunter. *Endorsed*, R. 13th May. 1½ pp. [C.O. 137, 55. ff. 1, 1 v., 2 v.]

Feb. 10.  
New  
Providence.

**36.** Governor Fitzwilliam to the Council of Trade and Plantations. *Refers to* letter of 24th Dec (*sic*) (v. Dec. 4 and 5, 1733). *Forbears* to fill up the vacancies in the Council, "until certain which of those named in his Instructions will or will not return to this Government." *Continues* :—I am really at a loss to find many people of common capacity or integrity sufficient to compleat our number ; and those few that are here with many others of the inhabitants talk of leaving the place, being under very great apprehensions that there is a war broke out in Europe, in which case they are sensible they must very soon fall a sacrifice to our neighbours, either the French or Spaniard as they have often done before, and I confess my own private apprehensions are the same with theirs, for I really believe that my whole Company have not twenty muskets among them that could be discharged three times successively without bursting, they are so very bad, and the fort in its present situation could not be defended against three hundred men. And in addition to these misfortunes three fourths of the inhabitants have no arms of any kind nor able to buy any, so that your Lordps. may easily judge what will become of us in case of a war unless you are pleas'd to think of some



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measures to preserve us untill such time as we are put in a posture of defending ourselves, by causing the works to be erected that were agreed to before I came from England, the plans and estimates of which the Engeneer is preparing, but when they will be done I can't tell, for I know not how it happens that the Engineer sent over with me is in a great measure independent of the Government, and is consequently master of his own time, for he had, without my knowledge before I left England, and indeed contrary to my expectation, obtain'd an instruction from the Board of Ordnance to return to England as soon as he had drawn a few plans here, and made the estimate, which I apprehend was not the intention of H.M. Order in Council; *etc.* therefore I cannot help conceiving that his design of obtaining this instruction was in order to endeavour at the whole and sole direction of the works to be directed here, and of all the money that shall be given for that use, without being accountable or controuled by any power of this Governmt. *etc.* *Suggests* that the Governor and Council should have power to inspect, approve or reject all agreements made with workmen and for materials for the works and that money for the same should be remitted to the Treasurer of the islands and thereby save the expence of appointing many new officers *etc.* *Proposes* that, in case there is any likelihood of a war, two light frigates should be sent, to remain among the islands until the works are sufficiently far advanced for them to defend themselves *etc.* *Continues*: But if they are sent hither independant of any power of this Government over them, as they are generally sent abroad, they will not be of any service to us, for I have long observ'd, that there is scarce a Government in America, but had rather not have them at all upon the footing they have been sent them for some years past, which I fear will be difficult to persuade the Admiralty to alter. I mentioned in my last, that a vessell went from hence to the Gulf of Florida, to see what the Spaniards were doing upon the wrecks, which vessell being returned, the master gives an account that all the money and other effects that were found, and could be got up, were carried away to the Havana, but that there were three millions of pieces of eight on board a large ship that is still missing, in quest of which there are at this time about two hundred men and three or four small vessels attending them in the King of Spain's pay, but that it seem'd very indifferent to them, whither they found her or not, and therefore were resolved very shortly to return to the Havana from whence they came. I am to acquaint your Lordships that soon after the death of Mr. Rogers all the acts of Assembly of these islands were secreted or conveyed away by some person to prevent their being put in execution, and are not yet found except an act for levying divers sums of money to defray the publick charge of these islands, which was in the dead of the night left at my door wrapt up in a sheet of clean paper without any direction or other writing. The case is that many of the inhabitants found themselves laid under some restraint by these laws, and therefore had prevail'd with Mr. Thompson the late President to suspend the execution of them during his

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Government, but they being apprehensive that upon the arrival of a Governor the laws would again be put in force, they fell upon this methode of suppressing them ; for my own part I am realy at a loss how to behave among them, for in my lifetime I never knew so lawless, profligate and turbulent a people as most of them are, and I fear they are not to be gain'd over to a better disposition by easy and gentle means. I beg to receive your Lordps'. directions concerning these acts as soon as it is convenient to you. I propos'd calling an Assembly this month, but the Council were of opinion that in this season of the year it would be detrimental to the people to be taken from their planting, or gathering of salt, therefore I have deferr'd it till the month of May, when they will be more at leisure. *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 2nd July, 1734, Read 30th July, 1735. 3½ pp. [C.O. 23, 3. ff. 113–114 v., 115 v., and (abstract) 112, 112 v.]

Feb. 10.  
New  
Providence.

**37.** Governor Fitzwilliam to the Duke of Newcastle. *Refers* to letter of 4th Dec. *Repeats preceding information concerning Spanish wrecks.* *Continues* :—The chief of the few inhabitants of these islands talk of withdrawing themselves and effects out of this Government, being apprehensive that in case of a war, which they at present seem to believe unavoidable, they will be immediatly destroyed by our neighbours either the French or Spaniards, and to speak the truth their apprehensions are not without foundation, for it has been always customary upon the least misunderstanding between H.M. and the Crown, for the Governor of Cuba to send over some men here to destroy our settlements, which they have done with success five or six times during the late war, and this place was never more defenceless than at present *etc.* *Repeats preceding.* *Continues* :—Our fort that was the only show of defence is now so old and out of repair, that it's render'd almost quite useless, therefore I must beseech your Grace to think of some method to preserve us, untill such time as the works are compleated, which before I left England were agreed upon should be erected here *etc.* *Refers to preceding.* *Signed*, Rd. Fitzwilliam. *Endorsed*, R. 3rd July. 2 pp. [C.O. 23, 14. ff. 235, 235 v., 236 v.]

Feb. 11.  
St.  
Christophers.

**38.** Governor Mathew to Mr. Popple. By H.M.S. *Torrington* I send a box with duplicates of what I sent to Capt. Bryan and another box *etc.* with two acts of this Island, one for settling an annual allowance on me, the other for raising the fund to pay it *etc.* *Asks* for his assistance in furthering their confirmation *etc.* *Signed*, William Mathew. *Endorsed*, Recd. 7th, Read 27th June, 1734. 1 p. [C.O. 152, 20. ff. 115, 117 v.]

Feb. 11.  
St.  
Christophers.

**39.** *Same* to the Council of Trade and Plantations. *Prays* for favourable report for act for settling additional allowance *etc.* (v. preceding). *Continues* :—This settlement is hardly half of the former settlements made on Col. Hart and Ld. Londonderry, but in the present apprehensions we are all in of a warr, I'm very well pleas'd with it, it is given me as all the other settlements were in a



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free generous manner, and in my own opinion these Islands are not well able to do more for me. *Prays* their Lordships to recommend these bills *etc.* I have us'd my best reasons with the severall Councils and Assemblys of Antigua and this island especially to provide to their utmost for their defence and have found them cheerfully willing to bear any expence and labour for that purpose and laws are making and passing for that end, cou'd we but obtain the helps I have wrote to Mr. Coope to apply for and no enemy come upon us before June or July next, I shall think this Government well provided for a defence. I am under more apprehensions for Nevis than the other three islands. They have hardly more than three hundred men on it, no island fortification or retreat, nor will provide any, no discipline, no arms, and yet I think in a state of indifference. I see no haste to mend their present bad plight, and if an enemy attack them, I shall, from there being hardly two landing places in the island, be very much distressed to escape thro' an enemy and get ashore to their assistance, *etc.* *Signed*, William Mathew. *Endorsed*, Recd. 7th, Read 27th June, 1734. 2 pp. [C.O. 152, 20. ff. 116, 117, 117 v.]

Feb. 12.

**40.** Capt. Taverner to the Council of Trade and Plantations. The French Governor of Grand Bay in Nova Francia, opposite to Point Rich in Newfoundland, frequently fitts out several boats with powder, shot and all necessarys for a furring voyage for the winter season, which boats are frequently mann'd with 70, or 80 Indians, the Nation of the Mountaineers, in whose country he is Governor ; those boats and men, he sends to Newfoundland in September, where they disperse themselves during the winter, from Cape Grott along the North West coast of Newfoundland as far as the great Bay of St. George, which is within 15 leagues of Cape Ray ; during the winter season they take great quantities of furs ; it being the best part of Newfoundland for furring and hunting. I was credibly informed that this have been the yearly practice of that Governor ever since the Treaty of Utrecht, from several of ye inhabitants of Port Bask which have winter'd amongst them on that coast, and furring on their own accounts, particularly one French man, which belonged to the said Governor, who came over to Newfoundland with those Indians, and continued with them until April, at which time they return to Grand Bay with their shalops, loaded with furs and other skins, so that it is a plain demonstration that the North West coast of Newfoundland is better for furring and hunting than Nova Francia ; and that it cannot be imagined that H.M. subjects can have the benefit of that trade in those parts, so long as the Governor of Grand Bay continues those practices, because there is no safety to their lives, nor yet for the necessarys they carry with them for their support in the winter season. *Signed*, Wm. Taverner. *Endorsed*, Recd. Read 12th Feb., 1733 $\frac{3}{4}$ . 1 p. [C.O. 194, 7. ff. 178, 178 v.]

Feb. 13.  
Whitehall.

**41.** Bishop of London to Mr. Popple. Good Sr., I desire the favour of you to cast your eye upon the inclos'd letter, and Act

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of Assembly, wch. I receiv'd yesterday from the Commissary of New York ; and in three or four days I will wait upon you in relation to the contents of it. The law, in England, is, that the revenue of ye vacancy shall belong to ye next incumbent, after ye charge of serving ye cure and other legal burthens are defray'd by him ; and since no provision of any kind has been made in the Province of New York, either for ye performance of divine service, or ye application of ye revenue, during ye vacancy, it should seem that the rule in England ought also to be ye rule there. The introduction of such an usage as this new law enacts, is a temptation to ye parish to *delay* ye call of a minister, and, upon every vacancy, may deprive the inhabitants, for one whole year, of ye benefit of divine service. Your faithful frd. and sert.,  
*Signed*, Edm. London. *Endorsed*, Recd. 13th, Read 15th Feb., 173 $\frac{3}{4}$ . *Holograph*. 1 p. *Enclosed*,

41. i. Rev. W. Vesey to the Bishop of London. New York, 16th Dec., 1733. *Hopes* for his Lordship's seasonable interposition to obtain the disallowance of an Act of New York, passed in November last, *to impower the vesting of the parish of Jamaica in Queen's to dispose of sixty pounds*, which had been raised by virtue of an Act of Assembly for the maintenance of a Minister for the said parish *etc.* The consequences of the said act being confirmed may prove fatal to the churches, "for the same persons that had the power and influence of procuring the passing of this law, may have the like influence in obtaining a law, for altering or repealing the laws now in force, for settling the ministry and raising the maintenance for them ; and this dangerous precedent may be a leading card to effect such purposes. And as the present Speaker and majority of the House of Representatives are not of the Church, who can tell how fond some persons be of following precedents ? Especially when I beg leave further to inform your Lordship, that this Act was brought in, and passed at the close of the session, and hurried thro' both houses, and passed before Mr. Colgan or myselfe had the least suspicion thereof, or time to be heard by petition, or otherwise to prevent the same *etc.* As the Act for raising the Minister's sallary, has not made any provision in case of death, and as Mr. Colgan for the greatest part of the time from Mr. Poyer's death to the time of his induction, officiated and performed the duty there, he being next incumbent is by law entituled to the money raised dureing that time ; But as the Vestry and Church Wardens of that parish are annually chosen by the inhabts. thereof pursuant to that act, they being the majority, always take care to elect Dissenters to those offices, and the present sett not only refused to pay that sixty pounds to Mr. Colgan, but also refuse to pay him any part of the sallary, that has become due and been raised since his induction ; soe that Mr. Colgan is



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obliged to goe to law with them for that ; in which case the sixty pounds in their hands may be of service, to enable them to litigate the point over again *etc.* Signed, Will. Vesey. 1 $\frac{2}{3}$  pp. [C.O. 5, 1056. ff. 82, 83, 83 v., 87 v.]

Feb. 13.  
Treasury  
Chambers.

**42.** Mr. Scrope to Mr. Popple. *Abstract.* The Lords Commissioners of the Treasury, upon an Order of Council grounded on a report of the Board, 20th Dec., to consider of a reasonable sum to be paid Agatha Campbell *etc.*, enquired of Governor Phillepps whether the arrears of quit rent which he by the same order was directed to pay to Mrs. Campbell had been paid, and what further sum he considered should be paid to her for the purchase of her quit-rents and claim of seigniory. For answer, he refers Widow Campbell back to Nova Scotia for receiving and gathering said arrears, and doubts whether she who, as he is informed, has but one fourth in the inheritance of the late Monsr. Latour, can take upon her to convey the whole. Their Lordships therefore invite the Board to reconsider this affair and to settle the petitioner's right with the method of transferring the same, and to ascertain the sum reasonable for the Crown to pay her. Encloses Order of Council (v. March 29), and copy of Governor Philipps' letter *etc.* Signed, J. Scrope. *Endorsed*, Recd. 18th, Read 21st Feb., 173 $\frac{3}{4}$ . *Addressed.* 2 pp. [C.O. 217, 7. ff. 7, 7 v., 10 v.]

Feb. 14.

**43.** Francis Wilks to the Council of Trade and Plantations. Pursuant to Instructions I have received from the Great and General Court or Assembly of the Massachusetts Bay *etc.*, in relation to the petition of Mr. Rindge, touching the controversy between the said Province and New Hampshire about their bounds *etc.*, I do hereby as Agent of the said Province *etc.* humbly submit it to your Lordps., and do hereby consent and agree that the said boundaries may be determined and settled by wise disinterested persons of the neighbouring Governments to be nominated and appointed by His Majesty or your Lordps., and that *etc.*, the said Commrs. shall have the matter in controversy left to them fully and without any limitations saving only that the levies however they may happen to be run do not affect the property of particular persons *etc.* Signed, Fra Wilks. *Endorsed*, Recd. 14th, Read 15th Feb., 173 $\frac{3}{4}$ . 1 p. [C.O. 5, 876. ff. 26, 29 v.]

Feb. 15.

**44.** Petition of John Rindge of New Hampshire, Esquire, to the Council of Trade and Plantations. The Agent for the Massachusetts Bay, instead of putting in an answer to petition on the strict point of the bounds as ordered by your Lordships last May, has at last laid before your Lordships his submission for the lines to be run by Commissioners *etc. as preceding.* The lines must be run on the spot, by Commissioners there, and Petitioner has no objection to their being authorised for that purpose here, but prays that such Commission may direct a short limited time for running the said lands. But he represents that the question

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which has so long been depending is, at what place the south boundary of New Hampshire shall begin, and what course it shall run. That question, he apprehends, must be determined by the true and legal construction of the terms of the Charters granted to the Massachusetts Bay, and may not therefore be proper for the determination of meer surveyors or mathematicians in America, but may be proper for H.M. in Council *etc.* *Prays that* a day may be appointed for hearing the parties on these points *etc.*, and that when they are determined, Commissioners may be appointed for running the lines according to such determination. *Signed*, Ferd. John Paris, for the petitioner. *Endorsed*, Reed. Read 15th Feb., 173 $\frac{3}{4}$ . 2 pp. [C.O. 5, 876. ff. 27, 27 v., 28 v.]

Feb. 15.  
Whitehall.

**45.** Mr. Popple to Mr. Fane. Encloses for his opinion in point of law an Act of S. Carolina, 1732, *to prevent any delay of justice etc.* [C.O. 5, 401. p. 84.]

Feb. 15.  
Whitehall.

**46.** Council of Trade and Plantations to the Committee of the Privy Council. Pursuant to yor. Lordships' order of the 6th of Decembr. last, we have considered such parts of the petition of Thomas Cooper Esq. James Greeme and Rowland Vaughan Esqs. as relate to an Act passed in S. Carolina, entituled *An Act for prevention of suits and disturbances to H.M. Judges and Magistrates in this Province on account of the Habeas Corpus Act*, humbly praying to be heard by their Council against the said Act, and that the same may be repealed. We have consulted Mr. Fane, one of H.M. Council at Law upon *this Act*, who has made several objections to it, in point of law, and having considered the said Act, agreeable to your Lordships' Order of Reference, without entring into the motives that might induce the Assembly of South Carolina to enact it. We take leave to acquaint your Lordships, that this is an Act of an extraordinary nature, and as it repeals a *Law* already in being, so far as relates to the Petitioners, without being provided with a clause for suspending ye execution thereof, till H.M. Royal pleasure concerning it should be known, in which point it is derogatory to the 24th article of the Governr's. Instructions; We are humbly of opinion that this *Law* should be laid before H.M. for his disallowance. [C.O. 5, 401. pp. 85, 86.]

Feb. 15.  
Whitehall.

**47.** *Same* to the King. In obedience to your Majesty's Order in Council of the 20th day of December last, we have considered the humble petition of Collo. Horsey to your Majesty, setting forth, that on the 26th day of Decr. 1726, the late Proprietors of Carolina signed a warrant to make him a Landgrave of that Province, and to grant him four Baronies or forty eight thousand acres of land, to be annexed to his said Honour of Landgrave; but that the Petitioner being then concern'd in solliciting a surrender of the Province of South Carolina to yor. Majesty, from the late Lords Proprietors, he did not attempt to take up the said lands at that juncture, being desirous to avoid everything which might give any obstruction to the proposed surrender, and chusing



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rather to depend upon yor. Majesty's goodness for perfecting his grant, when yor. Maty. should be in full possession of the Province. Whereupon the Petitioner most humbly prays your Majesty in regard to his good services in soliciting and perfecting the sd. surrender and ye great trouble and expence he was at, upon that account for which he hath never had any consideration, that your Majesty will be graciously pleased to direct that a grant be made to him, of the lands comprised in the above-mentioned warrant of the late Lords Proprietors, in such manner as yor. Majesty in your great wisdom shall think fit, that he may be enabled to pursue his intention of making a settlement, in ye sd. Province. We beg leave to acquaint your Majesty that we find the allegations of this petition to be true; and are humbly of opinion that in all probability Collo. Horsey might have procured the completion of this grant from ye late Lords Proprietors, if he had apply'd to them for that purpose, at the time when he was soliciting an accomodation between them, and your Majesty's Royal Father, for the purchase of their interest. The *Quit Rent* reserved to the late Lords Proprietors in this grant, was ten shillings p. annum, for every thousand acres, but upon our objecting to Collo. Horsey, that the *Quit Rents* reserved in yor. Majesty's grants, since this Province hath been vested in the Crown, have been established by your Majesty at the rate of four shillings Proclamation Mony for every hundred acres of land, and that if his grant should be allowed, by yor. Majesty with the reservation only of the ancient *Quit Rents* it must occasion some confusion in the Province, when the said lands should come to be divided and let to different persons, in small farms; the said Collo. Horsey in answer to this objection, hath signified to us by his Memorial, that being desirous to promote as much as he is able, the entire settlement of South Carolina, for your Majesty's service, and the general good of that Province, he is contented to submit to the *Quit Rent* now reserved in yor. Majesty's grants of four shillings p. hundred acres, still hoping for your Majesty's Royal favour, upon some other occasion, in consideration of his endeavours and services in procuring the surrender of this Province to your Majesty. And the Petitioner having assured us, that he forthwith intends to transport a proper number of persons to South Carolina, in order to make a settlement upon the lands that shall be granted him; we beg leave humbly to represent to your Majesty, that altho' in general we may be of opinion, that the making grants of large tracts of land in America, may not be adviseable, yet considering the late Lords Proprietors did grant the Petitioner a warrant for this quantity of land, that he is to pay the common *Quit Rents*; and appears to us to be both qualified and disposed to settle the said tract of land, We are humbly of opinion, that your Majesty may be graciously pleased to order a grant to be made to Collo. Horsey of forty-eight thousand acres of land in South Carolina, under the *Quit Rent* of four shillings Proclamation mony of that Province for every hundred acres, and upon condition, that one third part thereof shall be cultivated within the space of ten years after the date of the said grant. [C.O. 5, 401. pp. 87-90.]

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Feb. 15. Whitehall. **48.** Mr. Popple to Mr. Fane, Encloses, for his opinion in point of law, Act of New York, *to empower the Vestry of Jamaica etc.* [C.O. 5, 1125. p. 301.]
- Feb. 15. Whitehall. **49.** *Same to Same.* Encloses similarly Act of N. York *to repeal part of a clause in an Act etc.* [C.O. 5, 1125. p. 301.]
- [Feb. 15.] **50.** Petition of Thomas Goodwin of the Parish of St. James's, Westminster, Butcher and his wife Jane, to the Council of Trade and Plantations. *Prays to be heard against Act of New York (1719) for annulling and making void a fraudulent conveyance of Mary Davenport made by her while she was sole, by the name of Mary Miserol to one James Brown of certain lands, goods and chattells late belonging to John Miserol her former husband deceased.* The said Act most irregularly deprives the heirs of John Price deceased and particularly petitioners of their property and inheritance in certain lands, plantations, negroes &c. in New York in their absence unheard and contrary to all the rules of law equity and justice and doth not contain any clause for suspending the force of the same till H.M. pleasure known. The said Act hath layn by for a long time without ever receiving the Royal Approbation, and petitioners are advised that the same (while it remains) is a barr to their application in a legal manner for the recovery of their just rights withheld from them *etc.* *Pray* that they may be heard against the same, and that the said Act may be reported for H.M. disallowance and disapprobation *etc.* *Signed,* (for the petitioners) Ferd. John Paris. *Endorsed,* Recd. Read 15th Feb., 173 $\frac{3}{4}$ . 1 p. [C.O. 5, 1056. ff. 90, 97 v.]
- Feb. 18. Boston. **51.** Governor Belcher to the Duke of Newcastle. *Abstract.* Has lately returned from holding a General Assembly in New Hampshire, and hopes to transmit copies of proceedings by the next ship, with "the state of that little Province, in which I will at present only say, that it will be impossible to support the King's honour or to promote the welfare of his subjects while Colonell Dunbar is Lieutenant Governour, and he and I are at so great distance." *Continues* :—From my first arrival to these Governments he has study'd all the wayes in his power to quarrel with me : No Gentleman, My Lord Duke, in command in H.M. Plantations has labour'd with more difficulties than I have in support of H.M. honour and interest, and to bring the people to a just sense of their duty to the Crown, nor has my Administration been hitherto faulted in any article, why then am I so severely punisht as in having this gentleman tackt to me for a Lieutt. Governour, which I humbly assure your Grace is of no service to the King, nor to his people, nor is it any profit to himself. Let me then be a humble orator to your Grace, that he may be remov'd and another appointed in his stead. I am to give your Grace ten thousand thanks for the great consideration and goodness, with which you are pleas'd to recieve Mr. Belcher of the Temple *etc.* The Assembly of the Massachusetts is now sitting, and I inclose to your Grace their journals to this time, and I hope



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they will gradually come up to a full sense of their duty to the best of King's, nothing shall be wanting in my power to promote H.M. honour, and the best interest of his people; and which are very compatible. *Signed*, J. Belcher. *Endorsed*, R. Aug. 10. 3 pp. [C.O. 5, 899. ff. 63-64 v.]

Feb. 18.  
Boston.

**52.** Same to the Council of Trade and Plantations. Has spent a month at New Hampshire and held a General Assembly there *etc.* *Continues* :—I now cover to your Lordships what past in that Assembly and in H.M. Council. Your Lordship will see I have done everything in my power to bring that Assembly to a sense of their duty to H.M. *Signed*, J. Belcher. *Endorsed*, Recd. April 22, Read May 29, 1734. 5 pp. [C.O. 5, 876. ff. 35-36 v., 45, 45 v.]

Feb. 19.  
Charles Town.

**53.** Mr. Badenhop to Mr. Popple. The new General Assembly are sitting *etc.*, but nothing having been done this first sessions worthy the notice of the Lords of Trade, H.E. does not write to them by this conveyance *etc.* *Transmits* acts assented to last Assembly, with Journals of Assembly and Minutes of Council *etc.* *Signed*, J. Badenhop. *Endorsed*, Recd. 19th June, 1734, Read 20th Aug., 1735.  $\frac{3}{4}$  p. [C.O. 5, 364. ff. 91, 92 v.]

Feb. 20.

**54.** Jamaica Merchants to the Council of Trade and Plantations. *Abstract.* Pursuant to directions given by the Board, when they attended on 14th inst., enclose following. This being the fourth unsuccessful attempt to subdue the rebellious negroes, it is feared that, unless some effectual means be applied very soon, their numbers will quickly increase to a greater body than there are white inhabitants *etc.* Mr. Smith's account shows that the Spaniards on Cuba have given assistance to, or countenanced these people. *Signed*, Jno. Locke, Ste. Browne, Antho. Chamberlain, Rd. Harris, Forman and Lang, Jonathan Ewer, John Gregory, Pa. Gregory. *Endorsed*, Recd. Read 21st Feb., 173 $\frac{3}{4}$ . 1 p. *Enclosed*,

54. i. Relation by John Smith, planter, of the engagement between Thomas Swanton and the rebellious negroes in Aug. last. Describes shooting of the leader, Assado, who is supposed to have been a Spanish molatto, which seems the more probable because some months before a Spanish sloop came into and took a sugar droging sloop out of Port Morant and carried her to St. Jago de Cuba. The master, on his return, reported that the Spaniards there were acquainted with the action before the news of it reached the Government at Spanish Town. No master at the North side is now master of a slave, many of them not doing half the work that they used to do, nor dare their masters punish them, for the least disgust will probably cause them to join the rebels. Many of the inhabitants therefore intend to quit the island for North America, unless there is a speedy prospect of relief. *Signed*, Jno. Smith. 2 $\frac{1}{2}$  pp.

54. ii. Extract from a letter from Jamaica. We are in terrible

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circumstances. The rebellious negroes got the better of all our parties, and our men are quite dispirited and dare not face them in equal numbers *etc.* Nothing but soldiers can save the situation *etc.*  $\frac{3}{4}$  p.

54. iii. Extract from a letter from Jamaica, Sept. 10, 1733. To same effect as preceding. 1 p. [C.O. 137, 21. ff. 7, 8-9, 11, 12, 14 v.]

Feb. 21. **55.** Address of the Governor, Council and Assembly of Jamaica to the King. Wee your Majesties most dutiful and loyal subjects, the Governor Council and Assembly of this your Majestie's Island of Jamaica, are so fully perswaded of your Majestie's tenderness and care for the support and preservation of your people that wee do with the greater assurance and hopes of success, apply to your Majesty to implore your most gracious assistance in our present dangerous and distressed condition. We beg leave to acquaint your Majesty that the danger we are in proceeds from our slaves in rebellion against us, we have for several years past been at an extraordinary and almost insupportable expense, in endeavouring to suppress them, and whilst we had any reasonable hopes of succeeding wee declined being too importunate for relief, but our attempts against them having been vain, only convinced us of our weakness, so great that instead of being able to reduce them wee are not in a condition to defend ourselves, the terror of them spreads itself everywhere and the ravages and barbarities they committ have determined several planters to abandon their settlements, the evil is daily encreaseing and their success has had such influence on our other slaves that they are continually deserting to them in great numbers and the insolent behaviour of others gives us but too much cause to fear a general defection, which without your Majestie's gracious aid and assistance must render us a prey to them. We humbly beg your Majesty will please to believe our danger at least as great as we represent it and that this may very possibly be the last opportunity we may have of applying for help, but however it may please God to dispose of us, and however miserable our fate may be, wee shall whilst wee have any being wish prosperity to your Majesty and that you may long continue a blessing to the rest of your people. *Signed*, Ro. Hunter. *For the Council*, Jos. Maxwell, Cl. Concl; *For the Assembly*, Wm. Nedham, Speaker. *Endorsed*, Recd. (from Mr. Sharpe) Read Nov. 26, 1734.  $1\frac{1}{2}$  pp. [C.O. 137, 21. ff. 110, 110 v., 111 v.]

[Feb. 21.] **56.** Petition of Widow Campbell to the Council of Trade and Plantations. Reply to Governor Philipps' letter to the Lords Commissioners of the Treasury (v. Feb. 13). *Endorsed*, Recd. Read Feb. 21, 1734. *French*. 5 large pp. [C.O. 217, 7. ff. 11-13 v.]

[Feb. 22.] **57.** Petition of Thomas Lowndes to the Council of Trade and Plantations. Enclosed paper shows that petitioner was chiefly instrumental in negotiating the sale and surrender of the Charter



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of S. Carolina. Col. Horsey indeed carried most of the messages from the Lords Proprietors to the Earl of Westmorland, they wishing to make him appear useful, as he had hopes from Court that he would be sent as Governor by H.M. In the Act of Parliament, 1729, for conveying the Province to H.M. there is only a saving clause for all grants under the seal of the Province before 1st Jan., 1727. *Suggests that* Col. Horsey's warrant was antedated (*v.* 23rd Jan.). Col. Horsey received ample reward for his services in connection with the surrender in the shape of 70 guineas *etc.* *Prays that* he may not be excluded from a bounty from H.M. by Col. Horsey being rewarded for what petitioner chiefly performed. Petitioner has framed a scheme for the general good of the trade of Great Britain to America *etc.* *Endorsed*, Recd. 22nd, Read 28th Feb., 173 $\frac{3}{4}$ . 3 large pp. *Enclosed*,

57. i. Memorandum of Warrant by the Lord Proprietors of Carolina, 9th June, 1729, for a gratuity of £700 to Thomas Lowndes for his services for six years and for drawing the scheme wch. induced the Ministers to treat and for supporting it by reasons in Parliament and for procuring drafts of Port Royal harbour and a large manuscript map of Carolina. 1 p. [*C.O.* 5, 363. ff. 33-34, 35 v.]

Feb. 22.  
Whitehall.

58. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* papers submitted by Jamaica merchants *etc.* *Continue* :— Your Grace will perceive there is reason to apprehend that these rebellious negroes have some correspondence with the Spaniards at Cuba. We are sorry to observe that negroes daily leave our Plantations to join those in rebellion, who flushed with ye advantage they have had in the four last rencounters with the parties sent out against them, have already made themselves masters of a plantation and of two pennis or cattle pastures near Port Antonio. It is to be feared they will not stop here, that they may make some further attempts and probably meet with success from the dread the island seems to be in upon this occasion. Your Grace may possibly have already received an account of this affair, but as it seems of very great consequence, we take leave to inclose copies of the papers that have come to our hands upon this subject and to desire your Grace will please to receive H.M. directions thereupon, that the proper means may be applied for the preservation of this island which the inhabitants seem so little disposed and so little capable of doing themselves. For, upon this occasion we cannot help reflecting how unwilling the people of Jamaica were to accomodate the two Regiments which H.M. was graciously pleased some time since to send them for their security and which undoubtedly might during their continuance there upon proper orders and encouragements have put an effectual end to this growing evil. This Island however is of too great importance to be lost either for the folly or the obstinacy of the people. *Autograph signatures.* 3 pp. *Enclosed*,

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58. i. Abstract of papers relating to Jamaica [? by Mr. Delafaye]. 5 pp.  
 58. ii. Copy of memorial by Jamaica Merchants, 20th Feb. *supra*.  
 58. iii. Copy of report by John Smith, *supra*.  
 58. iv. Extracts from letters from Jamaica, Sept. 10, 1733. [C.O. 137, 47. ff. 207, 207 v., 209, 210-212, 214, 214 v., 216-219 v.; and (without enclosures) 138, 17. pp. 393, 394.]

Feb. 22.  
 Whitehall.

**59.** Mr. Popple to Mr. Fane. Encloses papers relating to Mrs. Campbell's petition, desiring him "to inform My Lords what will be the most proper method of transferring or extinguishing her right to the seigniority" *etc.* (v. Oct. 23, 1733). [C.O. 218, 2. pp. 293, 294.]

Feb. 25.

**60.** Mr. Lowndes to the Council of Trade and Plantations. Avers that Col. Horsey's grant of 48,000 acres (v. Jan. 23 and Feb. 22) "could not possibly be signed till Feb. 27, 172 $\frac{7}{8}$ , after the treaty with the Crown was set on foot. And the late Lords Proprietors, who are men of quality and persons of great justice, and honour, will to be sure give your Lordps. a satisfactory reason, why Coll. Horsey's warrant was antedated" *etc.* P.S. Tricks will be plaid with the Props.' Minute Book if care be not taken. *Signed*, Tho. Lowndes. *Endorsed*, Recd. 25th, Read 28th Feb., 173 $\frac{3}{4}$ . *Addressed*. 1 p. [C.O. 5, 363. ff. 37, 44 v.]

Feb. 26.

**61.** Thomas Lowndes to Mr. Popple. In return for a gross incivility you was guilty of some time ago towards me, I intend in a few days to print in the Grub Street Journal some letters of yours to me, *wrote in your private capacity*; and being a letter in your debt was the reason I wrote my last to you, in that style and manner. But really I must congratulate the Publick, that a person so engaged in business as you are have been able to improve the orthography of our language, without putting the State to the expence of an Academy. *Signed*, Tho. Lowndes. *Endorsed*, Recd. 26th, Read 28th Feb., 173 $\frac{3}{4}$ . 1 p. [C.O. 5, 363. f. 38.]

Feb. 27.  
 Jamaica.

**62.** Governor Hunter to the Duke of Newcastle. On the 13th of this month our General Assembly being met, I spoke to them and had their answer, copys of both which I have the honor here to inclose to your Grace. The bad success of our partys rais'd for the reduction of the slaves in rebellion, and the repeated depredations of our frontier settlements, have not only convinced them of the insufficiency of their measures agree'd on for that purpose, but induc'd them to a resolution of the necessity of martial law for some time, and the whole Legislature to address H.M. for his most gracious assistance, which together with a representation of the present sad circumstances of this Island by the Council and Assembly shall go by the first homeward bound ship, they being not yet ready. I have not time to add more by this chance Bristol ship, which put back by distress from the last



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homeward bound fleet, but that I am with the greatest honor and truth etc. *Signed*, Ro. Hunter. *Endorsed*, R. 13th May. 1½ pp. *Enclosed*,

62. i. Address of Assembly of Jamaica to Governor Hunter. 16th Feb., 1733 $\frac{3}{4}$ . *Return* thanks for H.E.'s Speech and his care and vigilance for the preservation of their interests in the island. *Continue*: "We are throughly convinc'd, from the late audacious attempts of the slaves in rebellion, that the remedies hitherto apply'd, have been insufficient for the evil" etc. Will use their best endeavours to apply such as may be more effectual etc. *Signed*, Wm. Nedham, Speaker. *Copy*. 1 large p.
62. ii. Governor Hunter's Speech to the Council and Assembly of Jamaica. Feb. 13, 1733 $\frac{3}{4}$ . The late audacious attempts of the slaves in rebellion and the desertion of numbers of the plantation slaves on the north side, as it has thrown the inhabitants there almost into despair, so it must convince you that the remedies hitherto apply'd are far from sufficient for the evil, the partys destin'd for that purpose having enough to do to maintain the post they are possess'd of against the rebels, so it cannot be suppos'd they are capable to cover the workers on a road intended to be cutt and a barrack to be built near to the place called Delamilliere's Ambush, which would have facilitated your future expeditions if it could have been effected. The ravages these slaves have committed at Hobby's and the neighbouring plantations, point out to you the necessity of erecting a defensible barrack there, which will require an augmentation of your partys, and proper artificers for such a work, and barracks for the Eastern division as well as the Western. I doubt you have too much rely'd upon bringing in the outstanding debts, for want of which the partys have been laid under great discouragement, the Receiver General not being able to pay them weekly as directed in the act etc. *Reminds* the Assembly that the Deficiency Act will shortly expire, and recommends its revival, and the appointment of an Agent in Great Britain. *Concludes*: In the last party act there was no provision made for surgeons or medicines for the partys, nor for workmen for building the barracks; I have employ'd surgeons in confidence that you would provide for them at your first meeting etc. *Copy*. 2 $\frac{3}{4}$  pp. [*C.O.* 137, 55. ff. 7, 7 v., 8 v., 9 v., 10, 11-12.]

March 1.

**63.** Thomas Lowndes to the Council of Trade and Plantations. Thos. Lowndes humbly and solemnly protests against your Lordships entering into the discussion of a complaint against Alured Popple Esq. brought by the said Thomas Lowndes for as much as one of your Lordships' Board on the behalf of the whole Board openly and judicially declared "that your Lordships are prepossessed" in favour of your Secretary the said Popple, against

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whom the said Lowndes by order of your Board came fully prepared to make out his charge of complaint the 28th February last. And the said Lowndes is ready to abide by your Lordships' judgment in all other cases whatsoever. Witness my hand 1st March, 1733, Tho. Lowndes. *P.S.* I left an open copy for your Secretary. *Endorsed*, Recd. 1st, Read 5th March, 173 $\frac{3}{4}$ . 1 p. [*C.O.* 5, 363. *ff.* 39, 39 v.]

March 4. **64.** Mr. Fane to the Council of Trade and Plantations. Is of opinion that the most proper conveyance of transferring the right of Mrs. Campbell (*v.* 13th Feb.), to the Crown will be by bargain and sale enrolled in a Court of Record *etc.* *Signed*, F. Fane. *Endorsed*, Recd. 5th, Read 21st March, 173 $\frac{3}{4}$ . 1 p. [*C.O.* 217, 7. *ff.* 14, 19 v.]

March 5. **65.** Mr. Fane to the Council of Trade and Plantations. Has no objection in point of law to Acts of New York, *to empower the Vestry of Jamaica etc.*, and *to repeal part of a clause in the Act mentioned.* *Signed*, Fran Fane. *Endorsed*, Recd. 6th March, Read 5th June, 1734. 1 p. [*C.O.* 5, 1056. *ff.* 106, 113 v.]

March 5. **66.** Petition of Thomas and Jane Goodwin to the Council of Trade and Plantations. Repeat petition of 15th Feb. for disallowance of Act of New York, upon which Mr. West formerly made a report *etc.* *Signed*, Ferd. John Paris. *Endorsed*, Recd. Read 5th March, 173 $\frac{3}{4}$ . 1 p. [*C.O.* 5, 1056. *ff.* 91, 96 v.]

March 6. **67.** Mr. Fane to the Council of Trade and Plantations. Report upon Act of the Leeward Islands, 1705, *for supplying the want of fines and recoveries in thyeis islands and for making any deed duly executed before any of H.M. Justices of the Courts of Common Pleas equivalent to a fine and recovery etc.* The usual method of barring entails in all the Colonies has been by an Act of Assembly confirmed by H.M. with the consent of all the parties interested, and provided the person who applies for the act had such an interest vested in him that he might by fine and recovery, supposing the lands lay in England, do the same. This has been the rule laid down and constantly observed. But of late years as the barring entails became more frequent, it has been thought more proper in many of the Colonys abroad to institute such a method as is prescribed here by deed enrolled in a Court of Record to supply the want of fines and recoveries, and no complaint has been made, as I ever heard, of this method of proceeding, tho' I must observe to your Lordships that since this act was passed and in force, for there is no suspending clause in it, many acts of Assembly have come under my consideration for barring entails, which seems as if the method was not generally approved off *etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 7th March, 1734, Read 3rd Dec., 1735. 2 pp. [*C.O.* 152, 22. *ff.* 13, 13 v., 18 v.]

[March 6.] **68.** Mr. Fane to the Council of Trade and Plantations. Has no objection in point of law to Act of S. Carolina *to prevent*



1734. [68] *delay of justice etc. Signed, Fran Fane. Endorsed, Recd. 6th March, Read 16th May, 1734.  $\frac{3}{4}$  p. [C.O. 5, 363. ff. 55, 64 v.]*
- March 6. 69. Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, Act of New York, *annulling a fraudulent conveyance of Mary Davenport etc.*, with Mr. West's report and other papers thereupon. [C.O. 5, 1125. p. 302.]
- [March 7.] 70. Memorial of John Sharpe, Peter Leheup and Charles Tessier, Agents for Barbados, to the Council of Trade and Plantations. The inhabitants of Barbados are under the greatest consternation on account of the apprehensions of a war speedily breaking out at a time that the said island is in a defenceless posture and in a most distressed condition by the decay of their trade and the want of vent for their staple commodities whereby they have been rendered unable to support their fortifications and provide arms and ammunition. It is of the last importance to the said island and in consequence thereof of great concern to the trade interest and power of Great Britain that a speedy supply of at least 100 cannon and a sufficient quantity of small arms and ammunition be sent thither *etc.* Pray the Board to move H.M. for an order for supplying them as soon as may be, and for a squadron of ships of war to protect the island, by reason of the great power of the French in their neighbourhood *etc.* *Endorsed, Recd. Read 7th March, 1734. 1 p. [C.O. 28, 24. ff. 8, 11 v.]*
- March 7. 71. Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, 7 acts of Jamaica, 1733 (*enumerated*). [C.O. 138, 17. pp. 394, 395.]
- March 7. 72. Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, act of Antigua, 1733, *for providing an honourable support for H.E. Col. Mathew etc.* [C.O. 153, 15. p. 241.]
- March 8. 73. Mr. Popple to Mr. Attorney and Solicitor General. My  
Whitehall. Lords Commissioners for Trade and Plantations having under consideration the petition of John Rindge Esqr. of H.M. province of New Hampshire relating to the settlement of the boundaries, between the said Province, and that of the Massachusetts Bay; command me to send you, a printed copy of the Charter *etc.* of the Massachusetts Bay, 1691 (which you will find in the beginning of the printed volume of their laws, herewith transmitted to you), whereupon my Lords Commissioners desire your opinion from what point of Merrimack River, the dividing line between the said Provinces ought to begin, according to the intent and meaning of the said Charter. [C.O. 5, 917. p. 94.]
- March 8. 74. Council of Trade and Plantations to the King. We have  
Whitehall. lately received a letter from the Lord Howe, your Majesty's Governor of Barbados, in which, at the desire of the Members of your Majesty's Council there, he represents to us the defenceless condition of that Island, arising from the weakness of the Militia,

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the badness of the cannon, and a great want of firelocks, swords, and bayonets, and he particularly say'd that according to the opinion of the gunners at Barbados upon a survey the best of the cannon are not capable of firing three rounds ; that a great number of the Militia have no musketts, and that there is not one bayonet in all the regts. The concern of the Governor and Council of Barbados for this ill state of their military forces and stores is very much aggravated by the apprehensions they are under of a rupture betwixt your Majesty and the French King, in which case Barbados might be lyable to an invasion from the French at Martinico, who being at present very strong both in men and shipping, would, in Lord Howe's and the Counsel's opinion, immediately attack this Island, as soon as they should receive advice from Europe that a war was declared betwixt this kingdom and France. He therefore humbly entreats, that your Majesty would be graciously pleased to give the necessary orders that a squadron of ships of war may be sent to Barbados, for the protection of their trade ; and that they may also be supplied with one hundred peices of cannon, four thousand swords and as many firelocks with bayonets, which in the present ill condition and poverty of this Island it is impossible for the inhabitants to make provision for. We have likewise received a memorial from the Agents of Barbados to the same purpose. Whereupon considering the importance of Barbados to the trade and navigation of this kingdom ; and as it is so advantageously situated with respect to your Majesty's Leeward Islands, that any of them may be speedily releived from thence, in case of a foreign invasion, which was the case in the last wars with France, and as on the other hand if Barbados should be subdued it is to be feared the Leeward Islands might afterwards prove an easy conquest, we are of opinion that the utmost care should be employed for the preservation of so important an Island, and do therefore humbly propose, that your Majesty may be graciously pleased to grant them such supplies as your Majesty in your great wisdom, shall think proper. Which may be the more necessary at this juncture considering that this Island has not for many years, receiv'd any such stores of war from hence and that this additional security may be the means of preventing the daily desertion of the inhabitants. [C.O. 29, 15. pp. 428-430.]

March 11.  
Jamaica.

75. Governor Hunter to the Council of Trade and Plantations. My Lords. This serves to cover the Representation of the present state of this Island by the Council and Assembly to your Losps., I have transmitted to His Grace the Duke of Newcastle their humble adresse to H.M. for his assistance in their distresse. Inclos'd you have a list of the Acts pass'd in this last Session, I shall send the Acts so soon as they can be gott ready. The Assembly sent up a bill for Martial Law for three months with some qualifications, to which the Council made some necessary amendments, which being rejected, the bill dropt, and a message sent to me in the terms as inclos'd which I answer'd as in what is adjoynd to it. The Council advis'd the calling a General Council



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of warr, which I order'd immediately, they are to meet here to-morrow sev'night. Your Losps. shall have the result by Capt. Aubin who is to depart from hence in ten or twelve days. The rebels have committed several depredations on the frontier settlements of late, but I think the greatest danger is to be apprehended from the desertion of the other slaves, many of which have lately joyn'd them. The barracks which are in hand in the most proper places, if guarded, may in some measure prevent that. Nothing has happen'd that has not been foretold to them, but it seems feeling only is believing here. By one of these Acts Mr. Sharp is appointed Agent for this Island, I beg your Ldps. countenance to him in his solicitations. I shall perhaps have more to trouble your Ldps. with by the King's ship, you may rest assur'd that I shall do my duty *etc.* P.S. Your Ldps. have also with this a copie of what I said to the Assembly at the op'ning this last Session as also of what they answer'd. *Signed,* Ro. Hunter. *Endorsed,* Recd. 16th, Read 22nd March, 1734. *Holograph.* 1½ pp. *Enclosed,*

75. i. Representation of the Council and Assembly of Jamaica to the Council of Trade and Plantations. My Lords, The British Plantations in America being under your Lordships more immediate care, we humbly beg leave to represent the low and distress'd condition of this island, with full assurance, from the zeal your Lordships have always shewn for H.M. service and the good of your country, that the same will be faithfully laid before our most gracious Sovereign, supported with your Lordships' favour and seasonable intercession for the aid and assistance our present unhappy circumstances require. Your Lordships are undoubtedly acquainted with the difficultys we have laboured under for several years past, particularly in respect to the negroes in rebellion, and the many fruitless attempts that have been made to reduce them, the taxes that were raised for that purpose, and to defray the other contingent charges of the Government have been exceeding burthensome to H.M. subjects, and the continuance of them become insupportable, thro' the diminution of our inhabitants, and the declining circumstances of the island. Our misfortunes are in a great measure owing to the cowardice and treachery of the party's, raised from time to time out of the Militia, which mostly consisted of tradesmen and indented servants who are unacquainted with arms and military discipline and are not to be depended on, or from arming our slaves who we are convinced have betrayed us. And the situation of the rebels among vast rocky mountains, covered with thick woods, and almost inaccessible, furnishes them with many advantages in forming ambuscades, and retreating to places strongly fortified by nature. Those considerations, and the necessity of reducing them and preventing the defection from spreading, induced the Legislature to

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apply to Sir Chaloner Ogle, Commander in Chief of H.M. Ships on this station, for two hundred sailors to act in conjunction with one hundred men drawn out of the two Independant Company's, and three hundred others, the best that could be raised, for that service, but thro' the difficulty's already mentioned, and some other accidents that body of men were obliged to retreat with loss of several and great part of their arms and ammunition. These constant successes have embolden'd the rebels to that degree, that they now despise our power and instead of hideing themselves as they formerly did in those mountains and covered places, they openly appear in arms, and are daily increasing by the desertion of other slaves, whom they incourage and intice over to them, and have actually taken possession of three plantations within eight miles of Port Antonio and the sea, by which means they may at any time cutt off all communication by land with that harbour and town, and the new settlers in that neighbourhood have been obliged to retire thither with their family's for protection, they have also within a few days past, made an attempt on a place called the Brest Work, where a considerable number of armed men were lodged, to guard the workmen employed in carrying on a defensible barrack in that place to prevent their incursions. Your Lordships will be pleas'd to observe that this island being about one hundred and seventy miles in length, and from twenty-five to fifty in breadth and there being stragling settlements from one end to the other, with large tracts of woodland between them the white inhabitants are by no means capable of defending so large a compass of land, our number not being more than eight thousand, of which not above one thousand are masters of famillys or have any property, and the negroes by the exactest computation exceeding eighty thousand ; beside those in rebellion, whose number we cannot get any certain account of, but we believe are not less than two thousand in the several parts of the island. Your Lordships will from thence perceive how impractical it will be for us to suppress them or even to defend ourselves should the defection become more general, which we have too great reason to apprehend from the incouragement they meet with, the affinity between them, and above all the hopes of freedom which has shaken the fidelity of our most trusty slaves, in so much that we are at a loss what measures to take, having been so often betrayed, and being fully convinced that even those who now remain in seeming subjection to us wish well to their cause, and only wait for an opportunity of joining them. Under these deplorable circumstances we are necessitated to address H.M. for aid and assistance, without which as we are already under the greatest



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extremity we must either abandon the country or become victims to those merciless people. And as your Lordships' affectionate care of H.M. subjects, has been conspicuous throughout your administration, we have an entire confidence in your application for such speedy relief as H.M. in His great wisdom shall think proper, which will lay us under the strongest obligations, and be a farther inducement to us to continue for ever etc. *Signed, J. Ayscough and 9 Councillors, and Wm. Nedham, Speaker. 1 large folded p.*

75. ii. Governor Hunter's Speech to the Council and Assembly of Jamaica, Feb. 13, 1734. The late audacious attempts of the slaves in rebellion and the desertion of numbers of the plantation slaves on the north side, as it has thrown the inhabitants there almost into despair, so it must convince you that the remedies hitherto apply'd are far from sufficient for the evil, the partys destin'd for that purpose having enough to do to maintain the post they are possess'd of against the rebels, so it cannot be suppos'd they are capable to cover the workers on a road intended to be cutt and a barrack to be built near to the place call'd De la Milliere's Ambush, which would have facilitated your future expeditions if it could have been effected. The ravages these slaves have committed at Hobby's and the neighbouring plantations, point out to you the necessity of erecting a defensible barrack there, which will require an augmentation of your partys, and proper artificers for such a work, and barracks for the Eastern Division as well as the Western. I doubt you have too much rely'd upon bringing in the outstanding debts, for want of which the partys have been laid under great discouragements, the Receiver General not being able to pay them weekly as directed in the act etc. *Reminds the Assembly* that the Deficiency act will shortly expire, recommends appointment of Agent for the Island. In the last party act there was no provision made for surgeons or medicines, nor for workmen for building the barracks. He has employed surgeons in confidence that they wd. provide for them at their first meeting etc. *Endorsed, Reed. 16th May, 1734. Copy. 2 $\frac{3}{4}$  pp.*
75. iii. Address of the Assembly to Governor Hunter. 16th Feb., 173 $\frac{3}{4}$ . Return thanks for H.E.'s Speech and his care for the preservation of the interests of the Island. They are thoroughly convinced that the remedies hitherto apply'd have been insufficient, and will use their best endeavours to apply such as may be more effectual etc. *Signed, Wm. Nedham, Speaker. Endorsed as preceding. Copy. 1 p.*
75. iv. Message of Assembly to Governor Hunter, March 8, 173 $\frac{3}{4}$ . Having raised the necessary supplies for the

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reduction of the negroes, and as they had in their opinion provided a bill in order that the best and ablest of the people might be employed in that service, which the Council had been pleased to reject, request to be adjourned. H.E. replied, prorogued them till 7th May. *Endorsed as preceding. Copy. 1½ pp.*

75. v. List of 7 Acts passed March 1734. *Same endorsement. 1½ pp.* [C.O. 137, 21. ff. 48, 48 v., 49 v.-55 v., 59 v., 60 v.]

March 11.  
Jamaica.

76. Governor Hunter to the Duke of Newcastle. Repeats part of preceding and encloses Address and Acts. *Enclosed,*

76. i. Address of Governor, Council and Assembly to the King. Feb. 21, 1734. We your Majesty's most dutifull and loyal subjects, the Governor Council and Assembly of this your Majesty's Island of Jamaica, are so fully persuaded, of your Majesty's tenderness and care for the support and preservation of your people, that we do with the greater assurance and hope of success, apply to your Majesty to implore your most gracious assistance in our present dangerous and distressed condition. We beg leave to acquaint your Majesty that the danger we are in proceeds from our slaves in rebellion against us, we have for several years past been at an extraordinary and almost insupportable expence in endeavouring to suppress them, and whilst we had any reasonable hopes of succeeding, we declined being too importunate for relief, but our attempts against them having been vain, only convinced us of our weakness, so great, that instead of being able to reduce them, we are not in a condition to defend ourselves. The terror of them spreads itself everywhere, and the ravages and barbarity's they committ, have determined several planters to abandon their settlements, the evil is daily increasing, and their success has had such influence on our other slaves, that they are continually deserting to them in great numbers, and the insolent behaviour of others gives us but too much cause to fear a general defection, which without your Majesty's gracious aid and assistance must render us a prey to them. We humbly beg your Majesty will please to believe our danger, at least as great as we represent it, and that this may very possibly be the last opportunity we have of applying for help, but however it may please God to dispose of us, and however miserable our fate may be, we shall whilst we have any being, wish prosperity to your Majesty, and that you may long continue a blessing to the rest of your people. *Signed, Ro. Hunter, For the Council, Jos. Maxwell, Ck. Council. For the Assembly, Wm. Nedham, Speaker. ¾ large p.*



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76. ii. Message from the Assembly to Governor Hunter. March 8, 1733 $\frac{3}{4}$ . *Abstract.* *Return thanks* for H.E.'s message of 19th Feb., "where you were pleased to assure the House that you would do your duty (which the House never had the least doubt of) if the necessary supplies were raised for the reduction of the negro's; and as the House have raised the necessary supplies for that purpose, and had in their opinion provided a bill in order that the best and ablest of the people might be employed in that service, which the Council had been pleased to reject, wee humbly begg leave to accept in the name of the House of your Excellency's kind offer in this our extremity, withall desiring a recess that whilst your Excellency is raising and sending out of the partys we may attend the service of our country in our respective stations. *Copy.* 1 p.
76. iii. Governor Hunter's Speech to the Assembly. 8th March, 1733 $\frac{3}{4}$ . *Reply to preceding.* Having nothing more at heart then H.M. service in the safety and prosperity of this Island, I shall do what is in my power, that it may appear that the confidence you put in me has not been misplaced, and according to your desire, the ends of this session being answer'd, I shall put an end to't by a short prorogation *etc.* to 7th May *etc.* *Copy.*  $\frac{3}{4}$  p.
76. iv. Representation of Council and Assembly to the Duke of Newcastle. Duplicate of encl. i. in preceding letter to Board of Trade.
76. v. List of Acts of Jamaica, passed 9th March, 1734. [C.O. 137, 55. ff. 13, 13 v., 14 v., 15 v., 16, 17, 19, 21 v., 22, 23, 23 v.]

March  
12—21.

**77.** Minutes of Committee of House of Lords, 12th, 18th, 21st March, 1733 $\frac{3}{4}$  (12° Maii (*sic*) 1733). The Representation of the Board of Trade, Jan. 23rd, relating to laws manufactures and trade in H.M. Plantations in America was read. 21° Martii. Mr. Harris, Tryon and Yeoman were heard on the defenceless condition of the Leeward Islands, and directed to lay the same before the Committee in writing *etc.* 21st March. Then the Earl of Westmorland acquainted the Committee that he had something to offer to their Lordships which he apprehended to be necessary before anything effectual could be done in relation to the manufactures set up and carried on in the Northern Colonies; and submitted *etc.* whether it might not be done by way of bill this session. His Lordship read what he had to propose vizt., That each Colony, whether under the Crown or otherwise, be obliged to send over a complete collection of all the laws understood to be in force there, to the Board of Trade; and that the Crown be empowered to repeal any law passed under any of the said Governments at any time whatsoever, which hath not actually received the royal approbation in Council, if such law be

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found detrimental to the Prerogative, or to the trade, navigation or interest of Great Britain, any privilege or limitation by charter or otherwise for the time or manner of repealing such laws notwithstanding. That all laws made in the Plantations, as well in those under Proprietary or Charter Governmts., as in those where the Government is immediately vested in the Crown, be, for the future, transmitted home for His Majesty's consideration within the space of twelve months from and immediately after the passing of such laws respectively; and therefore that no law passed in any of the British Colonies be, for the future, in force, or be allowed to have any effect until the same shall have received H.M. approbation in Council; any usage, custom, charter, privilege or law to the contrary notwithstanding; excepting such laws only, as through any emergency may become necessary in the respective Colonies for the immediate defence of the Government, wherein no matter of a distinct or different nature shall be inserted, but such clauses only as are usual and applicable to the said emergency. That the Governors of Connecticut and Rhode Island, before they do enter upon the discharges of their respective offices as Governors, do take the usual oaths of allegiance and fidelity taken by other Governors; and do enter into such securities to H.M. for the due observance of the Laws of Trade and Navigation, and to the like value as other Governors of H.M. Plantations; which oaths and securites shall be taken in the presence of such of H.M. Governors, as H.M. from time to time shall appoint.

Then his Lordship said he had another matter to offer, which he apprehended would be proper by way of Address to H.M. (vizt.) That the Lords Commissioners for Trade and Plantations do during the recess of Parliament, revise and consider the several proposals that may at any time have been laid before them, relating to such encouragements as may be necessary to engage the inhabitants of the British Colonies in America to apply their industry to the cultivation of Naval Stores of all kinds; and likewise of such other products as may be proper for the soil of the said Colonies, and do not interfere with the trade or produce of Great Britain, and do lay their observations thereon before this House at their meeting the next Session of Parliament, etc. *Copy.* 4 pp. [C.O. 5, 5. ff. 69-70 v.; and (copies of the proposals of the Board of Trade as above) 99, 99 v., 100, 100 v.]

March 12. **78.** Mr. Fane to the Council of Trade and Plantations. Has no objection to act of Antigua *for providing an honourable support for H.E. William Mathew etc.* Signed, Fran. Fane. Endorsed, Recd. 12th, Read 20th March, 1734.  $\frac{1}{2}$  p. [C.O. 152, 20. ff. 4, 5 v.]

March 14. **79.** Lt. Governor Gooch to the Duke of Newcastle. It is with great concern that I find myself obliged to trouble your Grace again, in behalf of William Major, a poor man lying here under sentence of death, whose case I represented to your Grace last summer [v. July 13, 1733] in order to obtain H.M. pardon,



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which I then believed might have been contrived with little charge by inserting his name among the Newgate prisoners ; but I am now informed by Mr. Leheup, that it is required I should send a certificate of the time of his conviction, and before what Judge or Judges he was tryed ; by which I apprehend it is intended to have a separate pardon for him passed under the Great Seal, and if that be the case, I beg leave to inform your Grace that he is in no condition to pay the fees of such a pardon, his little estate being quite ruined by his long imprisonment. I therefore humbly propose that if there be any scruple about inserting him in the Newgate pardon, your Grace will have the goodness to procure H.M. warrant empowering me to pass his pardon for him, under the Seal of this Colony. I have here inclosed the certificate of his conviction and humbly submit to whatever method your Grace shall think fitt to have the pardon expedited with regard to his circumstances which deserve the greatest compassion. *Signed*, William Gooch. *Endorsed*, R. 12th May. *Holograph*. 1 p. *Enclosed*,

79. i. Certificate of the conviction of William Major for murder and felony. Williamsburgh, 12th Dec., 1732. *Signed*, Matt. Kemp. *Copy*. 2½ pp. [C.O. 5, 1337. ff. 162-163, 164, 165 v.]

March 14.  
Wmsburgh,  
Virginia.

80. Lt. Governor Gooch to the Council of Trade and Plantations. My Lords, In obedience to H.M. commands I have administred the usual oaths to Mr. Gordon, Lieut. Governor of Pensilvania, who came hither for that purpose last November, and here inclose his bond for the due observation of the Acts of Trade, his securitys being gentlemen of good circumstances in that country. It is with pleasure I inform your Lordships that the condition of affairs in this Colony may be sum'd up in two words, Peace and Plenty, and as such, give me no occasion to trouble your Lordships : I shall therefore defer the ordinary occurrences till the usual time of transmitting the Journals of Council, etc. *Signed*, William Gooch. *Endorsed*, Recd. 21st May, Read 22nd Aug., 1734. ¾ p. *Enclosed*,

80. i. Bond of Lt. Governor Gordon in £2000 referred to in preceding. *Signed and sealed*, P. Gordon, James Logan, Isaac Norris (sureties). 1 large p. [C.O. 5, 1323. ff. 105, 107, 111 v.]

March 18.

81. Mr. Fane to the Council of Trade and Plantations. Has no objection to six acts of Barbados, 1731, 1732, 1733. *Signed*, Fran. Fane. *Endorsed*, Recd. 18th March, Read 1st May, 1734. 1½ pp. [C.O. 28, 24. ff. 35, 38 v.]

March 19.  
Montserat.

82. Governor Mathew to Mr. Popple. Encloses following and two acts of St. Kitts mentioned therein etc. *Signed*, William Mathew. *Endorsed*, Recd. 7th June, 1734. *Holograph*. 1 p. [C.O. 152, 20. ff. 108, 109 v.]

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March 19.  
Montserat.

**83.** Governor Mathew to the Council of Trade and Plantations. It is affirmed here the French have actually yielded or sold their pretended right to the Island of Sta. Cruz to the Danes, and that these are going amain to settle it; that a person (call'd Beverode) came from Holland to Sta. Eustatia in his way thither some little time ago commissioud to dispose by patent or grant from Denmark of forty or more settlements, and which is worst of all, a very great many of the poorer sort of H.M. subjects in this government, especially the wood cutters now on that Island, and from Anguilla, Spanish Town and Tortola seem determind to remove thither and become Danes. At St. Christophers my being present prevented none that had such intent from declaring it. And the spirit of turning renegado, if this accot. be true, will certainly extend even to Barbados. If this should be groundless, and your Lordships can certainly know the truth, pray excuse however the trouble I am giving you on this piece of news, which if true will be very fatal to these Islands, by diminishing our numbers, small enough already. The Danes adding this Island to the settlements they already have among us, gives me no alarm from anything of danger can ever be hereafter apprehended from them in case of a warr with them. No, my Lords, they have always hurt us more by being at peace with us than at warr. A warr would soon ridd us of such neighbours. But whilst we are at warr with our most dangerous enemy the French, these neutral friends at St. Thomas have allways had their ports open to the French privateers, this was allways a safe retreat to Leeward for their privateers and their English prizes, when turning up to windward with 'em for Martenica or Guadeloup would have thrown them in the way of our station ships that might retake them, here too they found all intelligence, what of our shipping bound home and when, and worst of all, here our false brethren (even from these Islands) at noon day for an advance of but 5 p. et. would supply them constantly with those sea provisions and stores without which half those privateers must have staid at home. This we sufferd all last warr when they had St. Thomas only. Since that warr they have had St. John's (an Island with a most excellent harbour, and nearer, even at our doors) yielded to them, and now 'tis said Sta. Cruz. I humbly submitt to your Lordships, upon what I have said, what could happen of worse consequence to these Islands. If His Majesty, whose wisdom foresees and knows what is vastly out of my reach, is pleasd to allow, of this yielding that Island to the Danes, I will say no more but rest convinced 'tis best it should be so. But if otherwise it be without his leave or consent, then give me leave, to add my poor sentiments on it. By what I can learn here, Sta. Cruz was first settled by the English, under a regular Government, the Governour commissioud from the Governour of these Islands, but it prov'd so very sickly and they afraid of the Spaniards that the English deserted it; one Johnson was then Governour of it, whose grandchildren are now settlers among us and he was tryd at St. Christophers for it. This must have been about the year 1640. The French finding the Island deserted, undertook to



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settle it, as they did. Hence began this pretended right, they took possession of what seem'd to have no owner, and so had seemingly a good title ; but after holding it for some years, the unhealthiness of the place made them as weary of it, and joind hereto the efforts the French have many years been making (and which they have greatly at heart) to strengthen themselves on their part of Hispaniola (and I heartily wish their having the other part yielded to ym. may not be at hand) their king orderd all his subjects to be removd off Sta. Cruz to St. Dominique ; but very warily kept as he imagin'd his title alive by renewing the Commission of Governour of that Island from time to time to his Lt. Governour on St. Dominique. But not a single subject of his remaind on Sta. Cruz. The English from these Islands then (on the same title the French did, if their former possession were none, that is finding the Island empty) resettled in some measure upon it ; and so have continued about a hundred of them, only as wood cutters, but on no form of governmt. just as the French settled Sta. Lucia, and are actually now settled to the number of it may be four hundred on Domenica. The present Governour of the French Islands indeed wrote me a most impertinent insolent letter upon it about four years ago, and one of their men of warr burnt and took 3 English sloops there, but as then I laid that matter before his Grace the Duke of Newcastle, I don't trouble your Lordships with a recital of it now.—But, my Lords, H.M. by his 87th Instruction seems to direct me what to do in case of this new settlement made by the Danes. Must I drive them out of St. Thomas and St. John's ? I pray your Lordships will please to direct me herein. I know not whether Sta. Cruz be deemed a Virgin Island within the intent of the Instruction, tho Crabb Island is. On St. Johns the Danes at present hardly have possession. Their negroes rose upon them about six months ago. At my first arrival I heard they had quell'd their slaves, but it was not so, they have in a manner drove the Danes off, at least they dare not now attempt any more to reduce these negroes, who have allways beaten them, and are in a manner masters on that Island. The Governour of St. Thomas was even modest enough to desire I would send some of H.M. ships to reduce them, and I now learn a rash fellow from St. Christophers, in open defiance of my positive orders to the contrary, having made a compact with the Danish Governour went with his two sons and three or four and twenty more on this errand, that the negroes have killd one if not both his sons, and two or three more of his company, and beaten them off. Can this, my Lords, be done with impunity ? I pray your orders on it. I now transmitt to Mr. Popple with the duplicates of the two Acts of St. Christophers giving me an additional sallary, an Act of that Island *to oblige all owners, renters or possessors of slaves to send a proportion of their said slaves to work on the fortifications.* I have only to observe to your Lordships on this Act, that the Assembly in one or two pass'd whilst I was in England had provided their joining in naming the supervisor of the works, bargaining with tradesmen and making all accountable to them. I have prevailed with them in this Act to

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recede from these pretensions. Of the Council at Montserat named to me in H.M. Instructions Anthony Hodges is in England, John White must be a mistake, there being no such person, and William Lyddell and John Bramley are dead. John Roberts I am wholly a stranger to, he is returnd to England and not expected back. There is no Lieutenant Governour in Montserat nor Nevis. H.M. by his 13th Instruction directs my naming a fit person to execute the said office. Will your Lordships approve of my naming such persons? It has not been yet observd, but such nomination is really absolutely necessary. The Commission and Instructions give powers to myself and Lt. Governours only, but not such to the persons we call here Presidents of the Council, and yet these have hitherto executed those powers, altho' not Lt. Governours. Can the 40th Instruction mean that I should lay before your Lordships evry removal of any Militia officer or Justice of Peace in order to be laid before H.M.? I beg your Lordships' orders on it. If a warr likely to break out, I beg your Lordships will please to direct my having sent me a draught of the Commissions and Instructions I am orderd to grant by H.M. 78th Instruction. I have taken up a great deal of your Lordships' time by this letter, I pray leave to conclude with desiring to be allways in your Lordships' favour, etc. *Signed*, William Mathew. *Endorsed*, Recd. 7th, Read 27th June, 1734. *Holograph*. 6 pp. [C.O. 152, 20. ff. 109-111 v., 113, 113 v., 117 v. (*with abstract*); and (extract) 152, 40. No. 39.]

March 20.  
St. James's.

**84.** Order of King in Council. Approving following estimate, and ordering that the said quantity of shot be sent to Antigua as soon as conveniently may be, and that the expence thereof be made an article in the next estimate that shall be prepared by the Board of Ordnance to be laid before the Parliament etc. *Signed*, Ja. Vernon. *Endorsed*, Recd. 1st, Read 20th June, 1734. 1½ pp. *Enclosed*,

84. i. Estimate by Board of Ordnance of charge of shot to be provided for Antigua (v. 31st Jan.), £214 plus freight etc. £110. *Copy*. ¾ p. [C.O. 152, 20. ff. 103-104, 107 v.]

March 21.  
Whitehall.

**85.** Council of Trade and Plantations to the King. James Laws, a Member of Council in Jamaica, being dead, propose in his room his brother, Temple Laws, who inherits his estate. [C.O. 138, 17. p. 396.]

March 21.  
Whitehall.

**86.** Council of Trade and Plantations to the King. Recommend for confirmation, as being consistent with H.M. Instructions, Act of Antigua for support of Gov. Mathew etc. [C.O. 153, 15. p. 242.]

March 22.  
Whitehall.

**87.** Order of Committee of Privy Council referring to the Council of Trade and Plantations the following Acts for their report. *Signed*, Ja. Vernon. *Endorsed*, Recd. March 28, Read June 18, 1734. *Enclosed*,



1734.

87. i. Certificate by Governor Belcher that the following Acts were passed, 1733. *Signed*, J. Belcher. 1 p.
87. ii. Four Acts of the Massachusetts Bay, (1) *for granting unto His Majesty several rates and duties of impost and tunnage of shipping* ; (2) *for apportioning and assessing a tax of £7987, 16s. ;* (3) *for erecting the lower plantation at Houssatonnock into a township, by the name of Sheffield* ; (4) *in further addition to An Act for making effectual provision for the calling of Precinct or Parish meetings.* *Printed.* 16 pp. [C.O. 5, 876. ff. 47, 48, 49-52, 53-56, 57, 57 v., 59 v.]

March 22.  
Whitehall.

**88.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their opinion thereon. *Signed*, Ja. Vernon. *Endorsed*, Recd. 2nd April, 1734, Read 8th June, 1737. 1 p. *Enclosed*,

88. i. Petition of Sir Charles Paine to the King in Council. *Abstract.* The island of St. Johns, one of the Virgin Islands, being under the same Government with the Leeward Islands, Governor Walter Douglass, Nov. 1713, granted to petitioner, in consideration of the great services done and losses sustained by him and his family in the late wars in St. Christophers, a parcel of land bounded by Ramshead Point and Great Cruse Bay, and to John Burnet of St. Christophers a piece of land adjoining thereunto. Petitioner bought the latter, May 1728, for £500. In 1717 whilst the islands were under the command of General Hamilton, a small number of persons pretending themselves to be Danes, took up their abode and settlement there, of which petitioner and Burnet made immediate complaint to General Hamilton, but could not obtain his leave to remove them, he declaring that he would go down to that island in the man-of-war and turn them off himself, which he never thought fit to do, but afterwards informed petitioner he was awaiting orders from Home. The Danes, conscious that they have no right to settle there, have made overtures of paying petitioner some acknowledgment not to disturb them, but he has refused to do anything therein without first obtaining H.M. orders therein. He is desirous to undertake the settlement and improvement of the island at his sole expence, if H.M. will make him a grant of the fee simple thereof, and give the necessary directions for dispossessing the Danes or obliging them to become petitioner's tenants *etc.* Settling the island under H.M. authority will be of great advantage to the trade, navigation and revenues of Great Britain *etc.* *Copy.* 3 pp. [C.O. 152, 22. ff. 348, 349-350, 351 v.]

March 22.  
Whitehall.

**89.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report.

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*Signed*, Ja. Vernon. *Endorsed*, Reed. (from Mr. Hume) 2nd,  
Read 16th May, 1734. 1¼ pp. *Enclosed*,

89. i. Petition of Robert Wright, Chief Justice of S. Carolina, to the King. Charles Town, S. Carolina. Dec. 17, 1733. Petitioner was appointed Chief Justice under H.M. sign manual to Governor Johnson, 30th Nov., 1730 *etc.* *Continues*: Since the sd. appointmt. the Genll. Assembly of the said Province has passed an Act to prevent any delay of justice that may be occasioned by not drawing the jurys which are to serve at the next ensuing Court of Common Pleas, Genl. Sessions of the Peace, Oyer and Terminer Assize and General Goal delivery or on the days appointed for that purpose and for regulating the several Courts therein mentioned, by which Act the Govr. for the time being is impowered and required to nominate and appoint two or more assistant Judges or Justices of the Court of Common Pleas with power and authority to sit in judgmt. and hear and determine all causes in the said Court to be holden for ever hereafter in Charles Town together with the Chief Justice for the time being. Your Majty's Petr. as much as in him lay did in Council oppose the passing of the said Act as an encroachment on your Majesty's Prerogative and undoubted right of appointing Judges notwithstanding H.E. the Govr. did ratify the same and pursuant to the directions thereof has lately granted Commissions (therein reciting the said Act) to Thomas Deale and Thos. Lamboll Esqrs. persons entirely ignorant of the law, who according to the powers and authoritys in their said commissions granted do not only assume an authority of voting and overruling your Majty's. Petr. in all judicial acts which they think proper and of directing the Clerk of the Court in the presence or absence of your Majty's. Petr. to make such entrys in the records as they think fit to order, but also pretend to a right of taking and receiving sundry fees, perquisites and profits appertaining and belonging to the office of Chief Justice which your Majty. has been graciously pleased to grant as aforesaid. These matters are humbly represented to your most Sacred Majty. as high encroachments on the Prerogative and manifestly tending to render ineffectual the Commission of Chief Justice of the Province. Wherefore your Majty's. humble Petr. most submissively prays that the same may be taken under your Majty's. Royal consideration and that your Majesty may be graciously pleased to give such Instructions concerning the same as your Majesty in your great wisdom shall think fit *etc.* *Signed*, Rob. Wright. *Copy*. 2½ pp. [C.O. 5, 363. ff. 50, 51-52, 53 v.]

March 22. 90. Council of Trade and Plantations to the Committee of  
Whitehall. Privy Council. *Report* upon petition against Act of S. Carolina,



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1731, *for appropriating* £104,725 *etc.* In Feb. 1723 the whole amount of the paper bills in S. Carolina was £116,000 that currency, at which time an act was passed *for calling in and sinking the paper bills etc.*, by which it was amongst other things provided, that all the bills of credit of the several classes or denominations of twenty pounds, fifteen pounds, twelve pounds and eight pounds amounting in the whole to £55,000 should be paid in from time to time to the publick Receiver or Treasurer for duties only, in order to be cancell'd and sunk as ye act directs. And it was further enacted that £8,000 more should be paid in, to the Commissioners of the Bank, in bills of the same denominations, to be cancell'd and sunk in the same manner, and the remaining bills of credit amounting to £53,000 not repealed by this act, are made current in all payments whatsoever; except for certain duties particularly named in the Act, untill effectual provision should be made for calling in and sinking the same, pursuant to the resolution taken by ye Genll. Assembly, in that behalf. But when the state of the paper currency in So. Carolina was under the consideration of this Board in Feb. 1730, the merchants of London did then by a memorial represent to us the ill state of this Province occasioned by their Indian wars *etc.*, and humbly prayed that we would move H.M. to allow the Genll. Assembly to recall all ye old bills of credit, and in lieu thereof to stamp and issue new bills of credit to the amount of £100,000 and no more (which they have since done), and that the design of the abovementioned law of 1723 might be suspended for 7 years and the money applied for the use of poor Protestant settlers *etc.* Accordingly, Governor Johnson by his 20th Instruction was instructed to give his assent to a clause in some act for this purpose *etc.* provided ye Assembly should pass an effectual law for registering grants and regulating ye future payment of quit rents *etc.*, and that ye clause for this suspension should be made part of yt. law. It appears by ye act now under our consideration that ye publick debt on 25 March, 1731, amounted to £109,775 1s. 3¼d., during which time no provision was made for ye payment of ye garrisons, scout-boats and other contingent charges of ye Government. On ye other hand at ye time of passing this act, ye sum of £40,000 was due to ye Province for duties owing by sundry merchts., by virtue of ye Act of 1723, *etc.* Such was the state of ye paper currency and of ye publick debt, at ye time of passing this act, wherein it is declared that ye duties arrising by virtue of an act passed in 1721 *for granting to H.M. a duty on negroes, liquors and other goods etc.* were computed to amount *communibus annis* to £13,000 per ann., of which £8,500 are supposed to arise from ye duty on negroes only. By the act in question, commonly called the Appropriation law, it is provided that orders should be forthwith printed and issued to ye amount of the aforesaid £104,775 1s. 3¼d. to be paid to ye creditors of the publick, out of ye duties on negroes, and bear an interest of 5 p.c. per ann. untill they shall be wholly paid. The abovementioned sum of £40,000, which ye act supposes to have been in ye hands of ye Treasurer for ye use of ye publick, and wch. hath since been

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actually paid to him, together with ye money yt. shall arise on ye duty on negroes, for ye term of seven years, estimated at £59,500, are appropriated towards ye payment of ye sd. orders, and interest, and ye remaining £5000, supposed residue of ye duties arising by virtue of ye act of 1721, are applied to ye uses prescribed in H.M. Instructions, for ye aid and relief of new settlers. Whereupon we take leave to acquaint yr. Lordships, that according to H.M. Instructions, the whole produce of ye sinking fund ought to have been appropriated for ye space of seven years, to ye better settling of ye Province, and after yt. term to ye calling in and sinking ye old paper bills, and yt. if by ye act now under our consideration, ye Assembly had in ye first place appropriated ye sinking fund to ye better settlement of ye Province, so far as ye same could have been expended in yt. service, and had then directed ye overplus of yt. fund to ye discharge of ye new orders and interest, this we apprehend might have been less liable to objection. But [by] ye distribution made of ye sinking fund in this act, ye intention of ye Crown for ye more effectual peopling of So. Carolina is in part defeated, and by allowing an interest of £5 per cent. pr. ann. upon the new orders of £104,775 1s. 3¼d., the produce of ye duty upon negroes, computed at £8,500 pr. ann., would not be sufficient for ye discharge, even of this new debt, in seven years, but would leave a deficiency of about £22,000 at ye end of that term, bearing an interest of £5 per cent., which must be provided for, either by the establishment of a new fund, or a continuation of ye old one, in wch. case ye negroe duty could not be apply'd to cancel and sink ye sd. bills that subsisted in 1723, before ye year 1741, which would be a great hardship upon ye merchants of this Kingdom, and an ill return for their acquiescence in ye suspension of ye sinking fund for seven years, in order to ye better settling, and for ye publick prosperity of ye Province. Wherefore upon ye whole we would propose to your Lordships to lay this act before H.M. for his disallowance. [C.O. 5, 401. pp. 91-94; and 5, 363. ff. 87-90.]

March 22.  
Whitehall.

**91.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their opinion thereon. *Signed*, Ja. Vernon. *Endorsed*, Recd. 9th May, Read 10th July, 1734. 1 p. *Enclosed*,

91. i. Petition of Merchants and others of the City of London trading to and interested in the Island of Jamaica. In spite of H.M. Instructions to Governor Hunter, 13th Nov., 1727, 10th Dec., 1731 and Order in Council of 13th Oct., 1732, he did in Aug. last give his assent to an Act for raising several sums of money etc., whereby a duty of £10 is laid on every negro etc. imported and sold in the Island. "In consideration of the premises and that the laying any duties of importation or exportation on the trade or shipping of this Kingdom or putting any unequal taxations or any hardships on your Majesty's trading subjects is destructive of the commerce of Great Britain a discouragement to the increase



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of its Colonys and contrary to the 19th Article of your Majesty's Instructions to your said Governor " *etc.* pray that the act may have H.M. royal disapprobation and that no dutys be imposed on the importation or exportation of negroes nor any unequal taxes be laid on H.M. trading subjects *etc.* *Signed*, Rd. Harris and 15 others. *Copy.* 2½ pp. [C.O. 137, 21. ff. 75, 76-77, 78 v.]

March 22.  
Whitehall.

**92.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report thereupon. *Signed*, James Vernon. *Endorsed*, Recd. 21st May, Read 10 July, 1734. 1 p. *Enclosed*,

92. i. Petition of the Governor and Company of Merchants of Great Britain trading to the South Seas to the King. The Governor and Council and Assembly of Jamaica on the 1st day of August last passed an Act laying a duty of ten shillings current money per head on all negroes already imported in that island though not then sold and also on all negroes to be imported which should be sold in that island or the property thereof any ways altered there to continue for twelve months from the 30th of July 1733, to be payable by the purchaser *etc.* Petitioners humbly apprehend the said act is not consistent with the instructions of the Govr. and will not only prejudice the trade of Great Britain in general, but is a great injury and oppression to your Petitioners in particular. By your Majesty's Instruction of the tenth of December 1731 to the Governor of Jamaica the Governor is expressly forbid to assent to any law imposing dutys on negroes exported from Jamaica which have not been sold there and continued for the space of twelve months, which provision against laying dutys on negroes exported from Jamaica which had not been sold and continued there for twelve months was intended, as your Petitioners humbly conceive, as a restraint on that island from laying any dutys on your Petitioner's negroes brought in and exported from Jamaica for the supply of the Assiento or on any other negroes brought to that island by ye Guiney ships or other traders therein and which tho sold there were not intended to remain on that island, for that such negroes never continue there for so long a space of time. That by this Act there is a duty laid on all negroes in general which come to Jamaica and are sold there and no drawback allowed for such as are exported and have not continued 12 months in the said island. As this Act therefore under the colour of laying a duty payable by the purchaser only lays it in effect on all negroes that shall be exported either by your Petitioners for the Assiento or by other British marchants and is evidently calculated to defeat your Petitioners of the releif intended them by this Instruction. Your Petrs. humbly

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pray your Majesty will be graciously pleased to *etc.* repeal the said Act and give such further orders touching the premisses as may effectually prevent such practice for the future as to your Majesty's great wisdom shall seem meet. *Signed*, by order of the Company, W. Smith, Secy. *Copy.* 2 pp. [C.O. 137, 21. ff. 70, 71, 71 v., 73 v.]

March 22.  
Whitehall.

**93.** Mr. Popple to Mr. Scrope. *Reply to Feb. 13th relating to Agatha Campbell's claim etc. Continues:* Before my Lords made their report (v. 23rd Feb., 1733), they did duly consider the same and see no cause to vary their opinion, it being for H.M. service that the right of Mrs. Campbell's should be purchased and extinguished, for as much as it will remain a doubt whether without this purchase, H.M. can grant any land in Nova Scotia. And this matter having been fully stated to the Lords of the Committee in the Board's report upon which their Lordships formed that judgement which has since been confirmed by H.M. in Council, my Lords Commissioners imagine their report will not require any alteration. But however with regard to Coll. Philipps's doubts, I am commanded to acquaint you, that before my Lords made their report, Mrs. Campbell produced to them conveyances from the three persons who formerly shared this right with her *etc.* *Quote* Mr. Fane's opinion as to proper method of extinguishing her claims (v. 4th March). *Conclude:*—With regard to the sum to be given for the said purchase, My Lords are of opinion that considering the annual quit rents which amount to about eighty or ninety pounds a year, and the right she claims to the Seigniority of this Province two thousand pounds may be a reasonable sum. *P.S.* Mrs. Campbell is in a very weak state of health, and should she dye, her right might then devolve on her children with whom it might not be possible for many years to compleat any bargain. If therefore the Lds. of ye Treary. should think fit to make any agreement wth. Mrs. Campbell, the sooner it is executed the better. [C.O. 218, 2. pp. 295–297.]

March 25.

**94.** Petty expenses of the Board of Trade, Christmas 1733—Lady Day, 1734. v. Journal. 6 pp. [C.O. 388, 80. ff. 91, 92, 95, 96–97.]

March 25.

**95.** The Treasurer's receipts and payments of the public money from Lady's Day, 1731–1734. *Signed*, Alexand. Parris, Treasurer [of South Carolina]. Examined and audited with the following objections by Ja. St. John, Depty. Auditor. *Abstract.* (i) The accounts as they now stand corrected exactly agree with the books of account of Alexander Parris, but Parris did not produce any vouchers to warrant the payment of the several sums charged in the debit *etc.*, alledging that he had already produced such vouchers to a Committee of the Assembly. (ii) The said account principally concerns the receipt payment and application of duties imposed on negroes *etc.* appropriated by the Act for appropriating £104,000 *etc.*, by the preamble of which £40,000



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was owing to the Public, and was applyed by the said act to the payment of the public debts *etc.* But it does not appear by the annex'd account, that the said outstanding debt was ever paid to the Public, or the orders issued upon that account call'd in or cancelled, as the Deputy Auditor conceives ought to have been immediately done *etc.* But he has been informed by Mr. Parris that £27,000 only have been cancell, and that this was not done till May, 1733, and that the remaining £13,000 are to be called in in Jan. next, so that the same have been subsisting upwards of three years, a manifest evasion of the said act *etc.* The Act has not been complied with in respect of the £8500 arising from the negro dutys which are thereby directed to be filed, crossed and cancelled by the Treasurer every year. (iii) It appears that £41,650 have arose by the negro dutys *etc.*, and that £18,982 0s. 11d. has been applyed towards the charge of marking out of townships and of bringing poor Protestants into S. Carolina, yet it not only appears that the remaining sum of £22,667 19s. 1d. have not been applyed towards calling in and cancelling the aforesaid £8500 according to the direction of the act, but that the same are still current, or have been re-issued and applyed to purposes not warranted by the said law. Parris has kept no account of the interest of 5 p.c. on the said orders, as directed by the act *etc.* *Concludes* :—The accounts of the said Alexander Parris are blended together without placing the sums appropriated to particular uses under their proper and respective heads. And by that means his accounts are rendred difficult and perplex'd, that it is not easy to discover the misapplications that have been made. Lastly the Deputy Auditor objects against the stile and manner of the account, for that the Publick is made Dr. and Creditor. He humbly apprehends that the Publick has no moral existence in the Constitution. That all moneys for publick uses are granted to his most sacred Majesty *etc.* *Endorsed*, Recd. (from Mr. Furze) 19th May, Read 20th Aug., 1735. 86 pp. [C.O. 5, 364. ff. 94–135 v.]

March 26. **96.** Council of Trade and Plantations to Lords Commissioners of the Treasury. Enclose accounts of incidental charges of the Whitehall. Office, Christmas 1733—Lady Day, 1734, and request payment of quarter's salaries due. v. Journal. [C.O. 389, 37. pp. 352, 352.]

March 26. **97.** H.M. Commission appointing Wm. Forbes Lt. Governor St. James's. of Montserrat in place of Thomas Diggs. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 467.]

March 26. **98.** Mr. Fane to the Council of Trade and Plantations. Report upon Act of New York for annulling fraudulent conveyance of Mary Davenport *etc.* (v. 15th Feb.). *States* the case of the Goodwins as represented to him by Mr. Paris. Mary, widow of John Miserol of New York, farmer, sold to James Brown for £2, the lands *etc* left to her by her husband. Brown conveyed the same, for the same consideration money, to John Price, who soon after

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married Mary Miserol, the conveyance being intended as her marriage portion. Price died in 1714, leaving his whole estate to his widow during her life, and after her decease to the children of his cousins John Alley and James Bennett of London. Jane Goodwin claims the estate as the only child of John Alley. *Continues*: The question I apprehend that arises before your Lordships upon this act is whether it was reasonable or just for the Legislature to interpose and pass a law by which a conveyance is set aside as fraudulently obtained without ever hearing the parties concerned in interest and who were infants and in England at the time of passing it *etc.* The reason given in the recital of the act for this extraordinary and unprecedented method of proceeding was sinister insinuations and practices upon Mary Miserol when she was sole. If that was the case there was no necessity of proceeding in this way, the Courts of Justice were open. They have power to enquire into frauds and to give releife, and then all proper parties would have been before them and no injury or prejudice could have been done to anyone. But what prooffe the Legislature had of such sinister insinuations and practices does not appear to me, for I observe this conveyance [*to John Price by James Brown—Ed.*] was made upon an intention of marriage, which marriage afterwards took effect. He was in possession of it, the deed enrolled, she a power of disposing it, her children provided for, and from 1714 to 1717 no complaint made of it; and the act was depending before the Legislature till 1719 before they could be prevailed on to pass it, tho' no opposition appears to be made against it. But I beg leave to say, supposing the Legislature had the strongest prooffe of fraud in the obtaining the said conveyance, and all parties had been heard, yet in my humble opinion that was not proper way of trying and determining a matter of fraud: But in this case there is not the least colour for confirming the act; no injury is done to the children of Miserol, by disallowing this act; for they have still an opportunity of trying in a proper Court the validity of this deed: But that is not the case of Goodwin and his wife, for if this act passes, they are entirely debarred of trying the right they claim under the will of Price or ever of being heard; which is so contrary to all the rules of our Constitution that without troubling your Lordships with any further observations, I am humbly of opinion, that this act ought to be disallowed *etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. Read 26th March, 1734. 4½ pp. [*C.O.* 5, 1056. ff. 92–94, 95 v.]

March 27. **99.** Mr. Fox to the Council of Trade and Plantations. Charles Town, So. Carolina. Encloses list of vessels entered and cleared at Charles Town for quarter ending Lady Day 1734. *Signed*, Jos. Fox, Naval Officer. *Endorsed*, Recd. 7th, Read 12th June, 1734. 1 p. [*C.O.* 5, 363. ff. 65, 68 v.]

March 27. **100.** Council of Trade and Plantations to the King. Whitehall. Recommend for confirmation, Act of St. Xtophers *cutting off all estates tail etc. appointed by Clement Crooke decd. etc.*, "as this act has



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lain in our Office above six months during which time no objection has been offerd to us " etc. [C.O. 153, 15. p. 243.]

March 28. **101.** Mr. Fane to the Council of Trade and Plantations. Has no objection to Act of Nevis *for establishing Courts of King's Bench and Common pleas etc.* Signed, Fran. Fane. Endorsed, Reed. 30th March, Read 31st Oct., 1734.  $\frac{3}{4}$  p. [C.O. 152, 20. ff. 141, 146 v.]

March 28. **102.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 13 Acts of Jamaica passed in 1731-1733. Signed, Fran. Fane. Endorsed, Reed. 30th March, Read 18th July, 1734. 3 pp. [C.O. 137, 21. ff. 79-80 v.]

March 28. **103.** Mr. Paris to Mr. Popple. Encloses following, hoping to  
Rolls Building's attend the Board to-morrow. Signed, Ferd. John Paris.  
Fetter Lane. Endorsed, Reed. 28th, Read 29th March, 1734. Addressed.  
Sealed.  $\frac{1}{2}$  p. Enclosed,

103. i. Petition of Thomas and Jane Goodwin to the Council of Trade and Plantations. 29th March, 1734 (*cf.* 15th Feb.). Petitioners are absolutely deprived of their inheritance by a private act of Assembly passed in New York in 1719 *etc.*, and are debarred even from trying by law whether they have, or ever had, any right to the farm *etc.* therein mentioned ; which is a pretty uncommon case and if it grows into usage may make very short work with the rights of persons who live in Great Britain and have estates in the Plantations. Petitioners are informed that *Messrs. Fane and West* have reported the said act as not fit for the approbation of the Crown, but that your Lordships have some doubts by means of a paper, which the late Governor layd before your Board *etc.* Asks for copy of said act before the further consideration of the matter appointed for Wednesday next. Signed, for the petitioner, Ferd. John Paris. 1 p. [C.O. 5, 1056. ff. 98, 99, 101 v.]

March 29. **104.** Mr. Humphreys to Mr. Popple. Requests return of  
St. Martin's Act of New York referred to Feb. 13. Signed, David Humphreys.  
Library. Addressed. 1 p. [C.O. 5, 1056. f. 84, 85 v.]

March 29. **105.** Mr. Leheup to Mr. Popple. Asks for return of Order in  
Treasury Council mentioned 13th Feb. Signed, Peter Leheup. Addressed.  
Chambers. 1 p. [C.O. 217, 7. ff. 8, 9 v.]

[April 1.] **106.** Representation of the state of Barbados and the Leeward Islands by the merchants trading to and interested therein to the Council of Trade and Plantations. Think it their indispensable duty to represent (i) the weak state of defence of those islands, and the great danger they are in of being lost in case of a rupture with the Crown of France ; (ii) the many ill consequences which must attend the loss of them ; (iii) the best method of defending

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them ; (iv) the state of their trade, what further encouragement they want, and methods for their relief. (1) In Barbados there are no regular troops, and the number of their white inhabitants is of late years so greatly diminished, that they are not halfe so numerous as they were some years since, many of the inhabitants, from the great decay in the sugar trade, having been necessitated to retire to North America, and no settlers having come either in their place, or to supply the great decrease in their white inhabitants, by the death of the old settlers. During the last war, their militia were numerous and in good order, as well as their fortifications ; But their militia are now so few, and in such bad order, and so destitute of arms, that they can be but of little service in the defence of the island ; and their fortifications are since fallen to ruin, and several of them are even without any ordnance, and the few ordnance they have, are so bad that they are almost useless ; My Lords, it is certain there is a great want in this island both of men and of arms, and other stores and provisions of war of all kinds (powder only excepted), the few militia they have being forced, many of them, to appear with sticks instead of musquets, bayonets and swords. In the Leeward Islands, the Crown has maintained a Regiment ever since 1700, five companys of which are quartered at Antigua, three at St. Christophers, one at Nevis, and one at Montserrat. These islands lye much exposed by reason of the many easy landing places therein ; the number of their inhabitants, who have never been very numerous, hath decreased one half since the Peace of Utrecht. Their fortifications are in a very bad condition, and they want warlike stores of all kinds. As these Sugar Islands have thus sunk and declined, so the French neighbouring colonies of Martinique and Guardaloupe, Grande Terre and Marigalante, have since the last war vastly encreased both in men and riches, there being more men able to bear arms in Martinique alone than in Barbadoes and all the Leeward Islands together, yet notwithstanding the French Sugar Colonies were during the last war in a much weaker condition than they are now, the French plundered the island of St. Christophers, Nevis and Montserrat, and actually formed a scheme for making themselves masters of Barbados and Antigua, and should the same be attempted in any future war, there is too much reason to fear, it might be attended with success, as well in respect of their superior strength, as on account of their situation, being in the neighbourhood and to the windward of the said islands. These considerations, with this further one, that we have not at present in the West Indies either strength within or without the said islands, to oppose any invasion, give the strongest apprehensions of the risque the nation may run in regard of these islands, in case of a sudden breach with France ; and it is not unreasonable to believe that the defenceless state these islands are now in, may even prove a temptation to the French to attack them, and strike there the first blow. This is further to be feared by considering the many ill consequences as to this Kingdom, which must attend the loss of these Colonies, as well with regard to the great and irretrievable damage which on the



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one hand will be thereby brought on the British trade and navigation, as with respect to the national advantages which on the other hand will accrue therefrom to the trade and naval power of France. This will best appear by acquainting your Lordships, that the property H.M. subjects have in these islands, consisting of negroes, buildings and utensils for making sugar, amounts in value to many millions sterling, and that the profit thereof, tho' considerably diminished of late, centers in Great Britain : that the negro trade to the coast of Africa in a great measure depends on our Sugar settlements : that the Sugar Colonies are a means of consuming vast quantities of our own manufactures, and employing many thousands of our industrious poor, and if properly encouraged so as once more to regain the sugar trade in foreign markets, will bring very considerable yearly additions to the national wealth : that the islands employ also annually many thousands of seamen and many hundreds of ships to the advancement not only of the trade, but the naval power of Great Britain : All this large share of British property, and all these national benefits and advantages arising from the Sugar Islands, would be swallowed up and lost ; and as to this nation, should ye French ever become masters of them and the French settlements on Hispaniola, would soon be compleated on the ruin of the English Sugar Colonies, which could never be resettled without ye extraordinary aid and assistance of Parliament, France would then have it in their power not only to make sugar enough for all Europe, but to set their own price upon it, as being without any competitor in the sugar trade : so that instead of our supplying foreign countries with that commodity, and bringing back in return their wealth to Great Britain, much specie of the Kingdom would go to France to purchase sugars even for our own consumption, many thousands of the poor employed in our manufactures and otherwise, by the means of the sugar settlements, wou'd want employment, with this further melancholly reflection, yt. this loss wch. ye trade and naval power of this Kingdom must sustain in these circumstances, will bring a proportionable encrease of each to that of our greatest and most dangerous rival *etc.* *Hope that their Lordships will see that it is a matter of the highest importance to preserve these Colonies entire to the Crown.* *Continue :—*The best and most natural way of doing this, and of defending these islands at all times, seems to be by a naval strength, since they can be attackt no other way than by sea ; but is more especially so at this time from the defenceless state of the islands and the small number of white people there. There are now two ships of war stationed, one of 20 guns at Barbados, and the other of 40 guns at the Leeward Islands, and H.M. has been graciously pleased to give directions for three more ships, one of which of 50 guns, is going directly from hence, and the other two, one of 50, and the other of 40 guns, by the way of Guinia ; but these two last can hardly arrive at the Sugar Islands sooner than Xtmas, and these five ships when they are arrived there, we humbly apprehend, will not, in case of a war breaking out, be near equal to the defence of 5 several islands from a powerful

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enemy so greatly interested in their destruction ; more especially as Barbados is at the distance of 100 leagues from the Leeward Islands, *etc.* No ships of war sent to Jamaica can possibly be of service in the protection and defence of the Windward Islands, as the course of the winds and currents in those parts is almost constant and invariable, setting from those islands to Jamaica, but not from Jamaica to them. Montserrat was plundered in 1711 in sight of 8 of H.M. ships, 4 or 5 whereof carried 50 guns each, the Commander of which in a Council of War came to a resolution that they were not strong enough to attack the French Fleet. We therefore humbly submit it to your Lordships whether it be consistent with the interest of the Nation to trust these islands under the apprehensions of an approaching rupture, without a squadron of 12 saile, 6 for Barbados, and 6 for the Leeward Islands ; which might with proper instructions join as occasion should require ; and for the careening and refitting of which there is a very convenient bay in Barbados, called Carlisle Bay, and a very good and safe harbour at Antigua, called English Harbour, with a storehouse belonging to the Crown ; such a squadron of ships stationed at those Sugar Islands would be likewise of great and publick use and service, as they would be a means either to prevent or destroy the great number of privateers the French would otherwise, in all probability, fit out, and which in the last French war, were a great annoyance to the British trade to all our Sugar Islands *etc.* As the French Islands are very populous, so they cannot raise among themselves provision sufficient for  $\frac{1}{4}$  part of their inhabitants (excepting Hispaniola, which is at a great distance from the other French Islands), their beef and flesh kind they have at present from Ireland, and their bread kind, with many Plantation necessities, they have from our Northern Colonies ; so that in case of a war, a squadron of ships of sufficient strength would not only protect our islands, but by cruising to windward of the French islands, to prevent any provision ships coming to them, they would be put under the greatest distress for want of provisions, and abundance of their people would be thereby reduced to the necessity either to quit their settlements or be starved ; and by rendring provisions scarce among them, it would have this further good effect, to make any intended imbarkation from thence, to invade our islands, almost impracticable. During a great part of the last war they were chiefly supplied with provision by the provision ships bound to our Sugar Islands, that were taken by the French privateers, which a good squadron in those parts to protect the British trade would effectually prevent ; but for want of such a squadron our people will, in all likelihood, be themselves in great want of provision, and the French be supplied by those ships sent to carry provisions to feed our own people. The stationing such a squadron of ships of war at Barbados and the Leeward Islands, and sending them a sufficient supply of ordnance and other warlike stores, are the principal points that seem at present to call for the immediate attention of the Government, with regard to the Sugar Colonies. The session is now so far advanced that we



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must humbly refer it to your Lordships' further consideration, and the wisdom of the Legislature, whether the trade thereof does not want for some further encouragement, and whether the very high duties both at home and in the Plantations, upon English sugar, and the low duties of the French, will not as effectually ruin the Sugar Colonies, in process of time, as an immediate blow from France would ruin them now. Barbados and the Leeward Islands pay  $4\frac{1}{2}$  pr. cent. in specie abroad, upon exportation of all their commodities, and all English sugar imported here pays  $\frac{3}{4}$  nett duty for every cwt. here at home, which when sugar sells at 20s. per hundred is about £35 per cent. more upon the neat produce after freight and all other charges of importation are reduced. The French pay abroad £1 p. cent. upon the exportation of sugar, and at home the West India duty of 2 pr. cent. and the new duty of  $4\frac{1}{2}$  pr. cent., and this by the composition thereof with the farmers of these duties upon importation does not amount to above 3 pr. cent. in the whole *etc.* The Crown of France gives a premium on all negroes imported into any of the French sugar islands from Affrica in French ships, and the sugars which are brought home in return for such negroes, pay but half the aforesaid duty, which encouragement the Crown of France have thought fit to give for the supplying their sugar settlements with negroes. Another advantage the French have over us is, that the fortifications in their sugar Colonies are raised and maintained by the Crown, who also payed the salaries of the several Govrs. But the English fortifications have cost the Colonies immense sums of money, and the Governors over and above the salaries paid them by the Crown, depend upon the people for a further support. And as a further encouragement for the peopling their sugar colonies, the French soldiers are discharged and allow'd a year's pay, if they marry and become settlers there. It may also be a matter worth your Lordships' consideration whether the money drained out of the Kingdom to pay for such vast quantities of French brandy as are imported and run here, amounting as has been computed to £300,000 a year, may not be saved by lowering the duty on rum of the produce of H.M. Sugar Islands, and by that means substituting this commodity in the place of French brandy, as also whether a liberty of going from our Sugar Islands to foreign markets directly with our sugars, under reasonable restrictions, may not advance the trade of Great Britain in general, and be of great use and service to retrieve the declining condition of our Sugar Colonies. *Without date, signature or endorsement, but see April 3, No. 114. Copy. 7 pp. Enclosed,*

106. i. *Same to Same.* Since we prepared the representation above, the following paragraph from a Custom house Officer of Barbados fell into our hands. W. Rawlins to Charles Dunbar, Surveyor General of the Customs for the Southern District of America, in London. Barbados, Feb. 3, 1734. The greatest news is, the preparations the French are making at Martinico, in case of a war, and the apprehensions we are under from it, our fortifications

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being so intirely ruined, and in no manner of condition of defence. The *Fox* last week arrived from St. Lucia, and brought us an account that they had muster'd 26,000 men, and had got two men-of-war and sixteen sloops, ready at an hour's warning, and that they design'd a descent somewhere, the moment a war was declared *etc.* Signed, W. Rawlins. *Copy.* 1 p.

106. ii. Extract of letter from Governor Lord Howe to Council of Trade and Plantations. Feb. 4, 1734. To same effect as preceding.  $\frac{1}{2}$  p. [*C.O.* 152, 40. Nos. 41, 41 i., ii.]

[April 1.] **107.** Representation to the Duke of Newcastle. Duplicate of preceding representation and enclosure i. *Endorsed*, R. (from Mr. Tryon) 1st April, 1734. [*C.O.* 28, 45. ff. 315-318 v.]

[? April 1.] **108.** Remarks upon [?] preceding representation from the merchants of Barbados and the Leeward Islands. (v. Feb. 3.) They do not say what number of white people they have, but represent them to be few and unarmed, and the fortifications to be much out of repair, and very few ordnance and those bad. If their number of inhabitants is so much decreased, while the French are increased, it must be for want of proper encouragement : If those they have are undisciplined, and in want of arms, it is their fault, who should discipline them ; and provide arms ; and it is apprehended that the Islands have been always used to keep their fortifications in repair for their own security, and at their own expence. *N.B.* There are but few places where an enemy can land at Barbados. The Leeward Islands are more exposed, therefore a regiment is always kept there as set forth, but the true reason of the decrease of inhabitants does not appear to me ; I think it cannot be the decay of trade, because the French increase in both, as is supposed we may do with the like industry and frugality. It is very true, that in the late wars, the French plundered some of our Islands, when they had a superior strength ; and it is as true that in our turn we plundered their Islands, and even took their part of St. Christophers from them, and the same things may happen again, in case of any future war ; but the French will never in my opinion think of more than plundering our Plantations, should they have an advantage by a superiority of strength ; for if they come to divide the inhabitants they have, they would be too weak to defend themselves in any place and consequently would be more liable to be attacked and ruined than our Plantations are now ; and in case of war would, no doubt, even as they are, be in danger of being invaded and destroyed by a superior force, in case His Majty. should think fit to carry a war into that part of the world ; but to send numbers of ships of war whose seamen have always prov'd sickly, and dyed in great numbers when they have continued any time, upon a suspicion or supposition of a war only ; they might be incapable, if a war should break out, ever of bringing their ships back again without more men and more ships being sent to strengthen and



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relieve them. If the French Islands (except Hispaniola) are supported from Ireland, and our Northern Plantations, that would be stopped of course in case of a war, or may be prohibited and prevented without a war; if it were thought proper; and small cruizers are more fitted for intercepting such supplies than squadrons of vast expence and subject to the inconveniences of sickness &c. before mentioned. If a large squadron were sent now to Barbados, and the Leeward Islands, and no war should happen, will it not be said, as is often, that we are at the same expence in time of peace as in war, and upon imaginary dangers, send our seamen to perish abroad, when they may be wanted at home. As to encouraging the trade, I think our Colonies should be enabled to send their sugar to market, as cheap, or cheaper than the French, either by taking off the duty, or suffering them to carry it directly to the best markets, as the French do, in some measure, or any other way that can be thought on: But a way should be thought on to encourage new settlers to come to our Islands as the French do, and not making the servants little better than slaves, which keeps them down that they never recover spirits like other men; and sugar should, as it then may, be made as cheap as in the French Islands, and exportation of rum from thence would do very well to be encouraged. I doubt whether the fortifications &c. in these Islands is done at the expence of the Crown of France. I think it is done by the W. India Company chiefly; and men-of-war that have been sent thither have been paid for by the Company, and often come home laden with sugar &c. Lord How's letter seems to avoid mentioning the number of inhabitants but by their having sent arms and wanting 4000, the number does not seem to be so small as I really thought it was. But whether they have not always found themselves arms, and kept up their fortifications at their own expence is, I presume, known. But I think there never was a squadron of ships kept at Barbados, but have generally stopped there in their way to the Leeward Islands and Jamaica. *Without signature, date or endorsement, but see April 3, No. 114. 4½ pp. [C.O. 28, 45. ff. 308-310.]*

April 2.  
Whitehall.

**109.** Mr. Popple to Mr. Fane. Encloses Act of Barbados, 1733, *for the further regulating fees of the several officers and Courts etc.*, for his opinion thereon in point of law. [C.O. 29, 15. p. 431.]

April 2.  
Whitehall.

**110.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Acts of Montserrat, 1733, (i) *for raising a poll-tax and assessing houses in Plymouth, etc.*; (ii) *for selling flower, bisquet, corn and oates by weight.* Act of Nevis, 1734, *for providing an honourable support for H.E. etc.*; and acts of St. Xtophers, 1734, (i) *for settling £1,200 for one year from 25th Dec. past, and after the expiration of said year, £800 currt. money pr. ann. upon H.E. etc.*; (ii) *for raising an annual sum of £800 current money by a duty of 14d. pr. poll on all slaves etc., and £400 by an additional tax of 7d. pr. poll on said slaves for one year from Dec. 25th past etc.* [C.O. 153, 15. pp. 244, 245.]

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April 3. **111.** Order of King in Council. Appointing John Gollop to  
St. James's. the Council of Barbados in the room of Joseph Pilgrim decd.  
*Signed*, W. Sharpe. *Endorsed*, Recd. 1st, Read 20th June, 1734.  
1½ pp. [C.O. 28, 24. ff. 45, 45 v., 50 v.]

April 3. **112.** Order of King in Council. Dismissing, for non-prosecu-  
St. James's. tion, the petition of the last General Assembly of Barbados,  
relating to H.M. Order in Council Sept. 28, 1732, whereby the  
Attorney General of the Island is required to commence suits  
against all persons who should not pay arrears of taxes due before  
the Act *for supporting the Government etc.* *Signed*, Temple  
Stanyan. *Endorsed*, Recd. 1st, Read 20th June, 1734. 1½ pp.  
[C.O. 28, 24. ff. 47, 47 v., 48 v.]

April 3. **113.** Order of King in Council. Repealing Act of S. Carolina,  
St. James's. 1696, *for the encouragement of the better settling of S. Carolina.*  
*Signed*, Temple Stanyan. *Endorsed*, Recd. 1st, Read 20th June,  
1734. 1 p. [C.O. 5, 363. ff. 66, 67 v.]

April 3. **114.** Council of Trade and Plantations to the Duke of  
Whitehall. Newcastle. Enclose extract from Governor Howe's letter, 4th  
Feb., relating to French preparations for an attack upon Barbados,  
and copy of representation from merchants trading thither *etc.*  
*Continue* : To which we beg leave to add, that should the island  
of Barbados fall into the hands of the French, the Leeward  
Islands would soon share the same fate ; and as this is a matter of  
the greatest consequence, we desire your Grace will please to lay  
the papers we now inclose, before H.M. for his orders thereupon.  
*Autograph signatures.* 1¾ pp. [C.O. 28, 40. ff. 158, 158 v. ;  
and 29, 15. p. 432.]

April 3. **115.** Order of King in Council. Appointing Thomas Hals to  
St. James's. the Council of Jamaica, in the room of John Moore decd. *Signed*,  
Temple Stanyan. *Endorsed*, Recd. 1st, Read 20th June, 1734.  
1¾ pp. [C.O. 137, 21. ff. 69, 69 v., 74 v.]

April 3. **116.** Deposition of Jane Goodwin (*v.* 15th Feb.) *etc.* Deponent,  
only surviving child of John Alley decd., did not authorize any  
person to appear on her behalf to oppose any act of Assembly in  
New York relating to any conveyance by Mary Miserol. She was  
not 21 years of age until a considerable time after 1719. At mid-  
summer, 1719, several children of John Alley and James Bennett  
were living in England and were infants also, all which children  
are now dead. Deponent never relinquished her claim to the real  
estate of John Price. If any person has pretended to do it, it  
was without the authority or knowledge of deponent *etc.* She is  
the cozen, heir at law and nearest of kin to said Price decd., who,  
as deponent always heard in the family, went to New York and  
settled there about 1700, and carried over some fortune with  
him, and followed the business of a ship carver and had good  
business and got a considerable sum by it before he married Mary  
Miserol in 1714, so that deponent doth not know what Master



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Hunter could mean by suggesting that Price came accidentally into New York. Deponent has received repeated accounts from New York, that Price left £1500 of his own acquisition, all which Mary his widow possessed herself of *etc.* Ever since she came of age she hath been frequently writing to persons in New York whom she was recommended to, to inform her particularly of her right and to look after the same, but such persons have neglected the same, and not dealt fairly by her, though they have demanded and had of deponent recompense for their pretended troubles *etc.* She had no knowledge of the death of Mary until within a year and a half past, and employed Master Paris within a few days thereafter to recover her right *etc.* and sent for copies of the wills *etc.* Signed, Jane Goodwin. *Endorsed*, Recd. Read 3rd April, 1734.  $1\frac{1}{4}$  pp. [C.O. 5, 1056. ff. 102, 102 v., 105 v.]

April 3.  
Whitehall.

**117.** Council of Trade and Plantations to the King. Recommend for confirmation, as being in conformity to H.M. Instructions, Act of Nevis *for support of H.E. etc.* [C.O. 153, 15. p. 246.]

April 3.  
Whitehall.

**118.** *Same to Same.* Recommend similarly acts of St. Xtophers *for settling* £1200 *etc.* and *raising* £800 *etc.* (v. 2nd April.) [C.O. 153, 15. pp. 247, 248.]

April 4.  
Jamaica,  
Spanish Town.

**119.** Major Ayscough, President of the Council and C. in C. of Jamaica, to the Council of Trade and Plantations. My Lords, I think it my duty to embrace the first opportunity of acquainting your Lordships with the melancholy news, of the death of General Hunter, who departed this life the 31st day of March last, and as by H.M. Commission and instructions to his late Excellency, the administration of publick affairs, has devolved upon me, so I immediately took all possible care for the security of this government. H.M. will be more particularly informed of the weak state, and condition this island lies under, by the late humble Address of the Governor, Council, and Assembly, that hath been lately sent to H.M. for its immediate relief, against the attempts of the rebellious negroes, who have infested of late some settlements towards the north east part which are scituated nearest to them, but I hope the measures already taken, will for the present, put a stop to their excursions; a duplicate of which address is now transmitted to H.M., and herewith your Lordships, receive a duplicate of the Representation of his Council and Assembly lately sent home to your Lordships. The multiplicity of publick affairs has prevented me hitherto, from narrowly inspecting into the severall Articles of H.M. Instructions, where I am commanded to correspond with your Lordships, but I shall without loss of time apply myself with great vigilance, and discharge my duty therein, and while I have the honour to continue this station, H.M. interest the welfare and prosperity of his Colony, and rendring myself acceptable to your Lordships, shall be my constant care *etc.* Signed, J. Ayscough. *Endorsed*, Recd. 7th, Read 12th June, 1734. 2 pp. [C.O. 137, 21. ff. 62, 62 v., 67 v.]

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April 4.

Jamaica.

Spanish Town.

**120.** *Same* to the Duke of Newcastle. Begins as preceding. In place of last sentence, *concludes* : I hope my former administration of the publick affairs after the decease of the late Duke of Portland have been so well approved of, as will recommend me to H.M. favour, and if H.M. shall be graciously pleased, to continue me for some time in this station, I shall with the utmost vigilance, care, apply myself to the faithfull discharge of this trust reposed in me, and with a due regard to H.M. honour, prerogative and instructions *etc.* *Encloses following.* *Signed,* J. Ayscough. *Endorsed,* R. June 6th. 2 $\frac{1}{2}$  pp. *Enclosed,*

120. i. Duplicate of Address of Council and Assembly of Jamaica to the Duke of Newcastle, March 11. 2 *large pp.*

120. ii. Duplicate of Address of Governor, Council and Assembly to the King. v. March 11. 1 $\frac{1}{2}$  *large pp.* [*C.O.* 137, 15. ff. 41-42 v., 43 v., 44, 45 v., 46.]

April 4.

Jamaica.

Spanish Town.

**121.** *Same* to Mr. Popple. Herewith you'l receive a Box directed to the Right Honble. the Lords Commissioners for Trade and Plantations which contain the Minutes and Journall of the Council beginning the 4th Sept., 1733, and ending the 9th March following, with the Acts passed in that time, and the Minutes of the Assembly beginning the 2nd October, 1733, and ending the 16th November following, and also the duplicates of the Minutes and Journals of the Council beginning 3rd July, 1733, and ending the 17th March following, with the Acts passed in that time, and also the duplicates of the Minutes of the Assembly in three books beginning the 13th March, 1732, and ending the 17th of August following. I think it proper to advise you that I have sent to their Lordships, by the *Phenix* man-of-war, a duplicate of the Representation of H.M. Council and Assembly, with an inclosed letter to their Lordships, acquainting them with the death of Genl. Hunter, as also a duplicate of the same letter by the *Rocheester*, Captain Turner. *Signed,* J. Ayscough. *P.S.* Yours I received by Captain Dumerique after his arrival here, on his return home to England out of mistake he carried severall letters back as far as Hispaniola of which yrs. was one. As soon as ever I received it, I ordered a pipe of wine to be bought, which you'l receive by the *Crawley* pink *etc.* 2 pp. *Endorsed as preceding.* [*C.O.* 137, 21. ff. 63, 63 v., 66 v.]

April 5.

Whitehall.

**122.** Duke of Newcastle to the Council of Trade and Plantations. *Encloses following.* *Concludes* : I am to signify to your Lordships. H.M. pleasure, that you comply with what is desired in the said Address. *Signed,* Holles Newcastle. *Endorsed,* Reed. 5th, Read 11th April, 1734. 1 p. *Enclosed,*

122. i. Address of the House of Lords, April 1, 1734. Ordered that an humble Address be presented to H.M. by the Lords with white staves, that he will be graciously pleased to order the Commrs. for Trade and Plantations to prepare and lay before this House at the next Session of Parliament a state of the British Islands in America



1734. [122. i]

with regard to their trade, their strength, and fortifications together with their opinion what may be further necessary for the encouragement of their trade and security of those Islands. *Endorsed*, Recd. 5th, Read 11th April, 1734.  $\frac{2}{3}$  p. [C.O. 137, 21. ff. 20, 21, 23 v. C.O. 5, 5. ff. 95, 97.]

April 6.  
Whitehall.

**123.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following and signifies H.M. pleasure that they comply with what is desired therein. *Signed*, Holles Newcastle. *Endorsed*, Recd. 7th, Read 11th April, 1734.  $1\frac{1}{3}$  pp. *Enclosed*,

123. i. Address of the House of Lords, 5th April, 1734, praying H.M. to direct the Lords Commissioners for Trade and Plantations, during the recess of Parliament, to revise and consider the several proposals that may at any time have been laid before them, relating to such encouragements as may be necessary to engage the inhabitants of the British Colonies on the Continent of America, to apply their industry to the cultivation of naval stores of all kinds, and likewise of such other products as may be proper for the soil of the said Colonies, and do not interfere with the trade or produce of Great Britain, and do lay their observations thereon before this House at their meeting the next Session of Parliament. *Copy*.  $\frac{3}{4}$  p. [C.O. 323, 10. ff. 2-3, 4 v.]

April 6.  
Whitehall.

**124.** Mr. Fane to the Council of Trade and Plantations. *Report upon* act of Barbados for the further better and more certain regulating and appointing the fees of the several officers and Courts. *Continues*: The intention of which act in my humble opinion is to give the Governour very extraordinary and unprecedented powers to restrain H.M. royall prerogative in a most essential part of it; and to strip the Crown patentees of their properties without a legall fair and just tryall. By this act the fees of the officers in the severall Courts are appointed, that is a table of fees which was settled ever since the year 1668 and transmitted and approved here has been taken away and a table [of] fees appointed not adequate to the trouble of the officers, and fettered with such conditions, that it is impossible for the patentees to enjoy their freeholds under it; and this not proceeding as appears to me, from any complaint of the people, but from the mere motion of the Governour whom your Lordshipps will have some reason to think from severall clauses in this act had an inclination to grasp at more power than he ought to have. By this act some old laws relating to fees with severe penalties, which I cannot find were esteemed to be in force, are reenacted and inforced, and particularly a law passed in 1649 or 1650 wherein there is a clause that "the Secretary nor any other officer *etc.* by himself, deputy, clerk or servant shall not take any other fees *etc.* than is hereafter expressed *etc.* under penalty of forfeiting his office *etc.* and lying in the common gaol without bail or mainprize the space of one month, the same to be executed upon him

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immediately upon his conviction upon the oath of one or more witnesses or other sufficient prooffe before the Governour or any Justice of the Peace and the Governour is to have the naming the successor." This clause *etc.* is so severe that without any other objection to the act I think it would be a sufficient reason for disallowing of it. For the patentees are subjected in this case to be stript of their freeholds in a most summary and arbitrary manner and their liberty to be taken away from them, tho' perhaps the offence might arise from the treachery of their servants ; The proper method of proceeding agreeable to our constitution upon complaints of this kind, if it was thought proper to punish so severely the Patent Officers for such offences would be, I apprehend, by trying the fact by a jury, when the officer accused might have an opportunity of defending himself, but to do it in this summary way is contrary to law and the practice here : and I beg leave to say when the Governour has the power of filling up the vacancy, unhappy must be the man, who shall be so accused ; Besides, H.M. prerogative of disposing of these employments is in this instance highly infringed upon. For it is in the power of the Governour to turn the officers out as fast as the Crown shall name them, and put in officers of their own upon any complaint stirred up and determined by himself *etc.* In this act there is another clause that enacts " every officer or his deputy residing upon this island before he shall enter upon the execution of his office should give such bond in such penalty and with such sureties as the Governour in Councill shall direct and approve *etc.* for his due and faithfull execution of his said office " *etc.*, and in case of refusal or of acting contrary thereto *etc.*, the Governour is empowered, by and with the advice and consent of the Council to displace him and substitute another person in his stead *etc.* This I apprehend is still encreasing the power of the Governour to the manifest prejudice of the Crown Patentees ; for if the Governour insists upon such security as the officer can't give, then he gets the office into his own hands (which seems to be too much ye tendency of the whole act) and the patentee is absolutely without remedy. By another clause it is enacted, " that if any new business arises in any of the offices, the respective officers shall apply to the Legislature to set proper fees for such business, and shall not presume to take any fee whatsoever till it has been ascertained and settled by them, and in case any of the said officers shall act contrary to the directions and appointments of this present act or shall be guilty of any malfeazance in his office, besides the said penalties and forfeitures in the former laws appointed such bond so appointed to be entred into in the former clause shall be assigned to the party grieved to be put in suit in any Court of Record in this Island and such officer and his sureties shall answer and pay all the losses and damages suffered by the said party greived." The former part of the clause very plainly shews the Legislature's good disposition for the Patent Officers, who I daresay will think it to very little purpose to apply for an appointmt. of fees for new business to them ; but the latter part of the clause is most extraordinary, for the Legislature for fear the



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penalties and forfeitures were not severe enough by the former lawes have added this further punishment of giving liberty to the party greived to put that bond in suit for his satisfaction against the Officer which was given by him for a due performance of his office. This is, I believe, an entire new method of proceeding; but will be an effectuall one, for it will be the certain ruin and disgrace of the officers, especially when the conviction is to be in a summary way before the Governour or a Justice of the Peace. Upon the whole I am humbly of opinion that this is an act not fit for H.M. approbation, as it is infringing upon his royall prerogative; as it is laying very heavy and severe penalties upon his subjects without any reason or foundation as appears to me and without due course of law. And it is contrary to the Governour's Instructions by which he is expressly directed not to pass any law of an unusuall or extraordinary nature without incerting a clause suspending the execution of it till H.M. pleasure is known thereupon *etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 10th April, Read 4th July, 1734. 5 $\frac{1}{3}$  pp. [C.O. 28, 24. ff. 55-57 v., 58 v.]

April 6.  
Whitehall.

**125.** Duke of Newcastle to the Council of Trade and Plantations. *Encloses following etc.* *Concludes* :—I am to signify to yor. Lops. H.M. pleasure, that you comply with what is desired in the said Address. *Signed*, Holles Newcastle. 1 p. *Enclosed*,

125. i. Order of the House of Lords. April 5, 1734. That an humble Address be presented to H.M. *etc.* in the words *proposed* by Lord Westmorland March 12 *fin. supra*—relating to a report upon encouragement of Naval Stores *etc.* *Copy*. 1 p. [C.O. 5, 5. ff. 91, 93.]

April 7.  
Sunday.

**126.** Earl of Westmoreland to Mr. Popple. *Encloses copy of* Address of House of Peers on Naval Stores. *v. preceding.* *Endorsed*, Recd. 7th, Read 11th April, 1734. *Addressed*. *Holograph*.  $\frac{1}{2}$  p. *Enclosed*,

126. i. Copy of April 6 encl. i. [C.O. 323, 10. ff. 5, 6, 6 v.]

April 10.  
Whitehall.

**127.** Council of Trade and Plantations to the Lords of the Committee of the Privy Council. Pursuant to your Lordships' order of the 23rd of Novr. 1733, we have considered the Memorial of Charles Dunbar Esqr., Surveyor General of H.M. Customs in Barbados, Bermudas, and the Leeward Islds., and principal officer of H.M. Revenue in those governments, humbly praying, for the reasons contained in his Memorial, that he may be appointed a member of H.M. Councils in ordinary in all the said Islands, but more especially in Barbados and Bermudas, where he proposes chiefly to reside. We have enquired into the character of the said Mr. Dunbar, and thereupon we take leave to acquaint your Lordships, that we find him to be a person of considerable fortune, and of good repute for his integrity and abilities, for which reasons, added to those assigned in his memorial, we are humbly of opinion it may be for H.M. service that Mr. Dunbar should be appointed a Councillor Extraordinary in the several

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govts. of Barbados, Bermudas, and the Leewd. Islds., and that as vacancies shall happen in any of the Councils of ye sd. Islands he may be admitted into ye sd. Councils respectively, upon such vacancy as a Councillor in ordinary, care being taken in such case that the sd. Councils do never exceed the number of twelve, according to their origl. and establish'd institutions. [C.O. 29, 15. p. 433.]

April 10.  
Whitehall.

**128.** Council of Trade and Plantations to the Lords of the Committee of H.M. Privy Council. In pursuance of order of 22nd March, have ascertained that Sir Charles Payne and his brother Abraham Payne Esq., the first of whom is father to Abraham Payne junr., Esq., are at this time members of the Council of St. Xtophers. It appears to us also that a sister of Abraham Payne is married to a son of Mr. Estridge, who is President of the Council, and that Mr. Joseph Phipps, who is likewise a member of that Council, is a very distant relation to the family of Payne. But we must observe that these are facts of which we were not apprized when we *proposed him for the Council etc.*, upon the good character and fair recommendation we had of him. Some of these alliances however are pretty distant ones, and indeed in such little islands as these are, most of the people of substance and good character are generally allyed either by consanguinity or marriage. And as the Councillors in that island have no votes in the Court of Chancery, the objection against the alliance among the Councillors does not seem so strong, as it would have been in those places where the Council compose that Court. [C.O. 153, 15. pp. 249, 250.]

April 11.  
Whitehall.

**129.** *Same* to the King. Recommend grant of supplies as desired by the Agents for Antigua and St. Xtophers, and the Governor of the Leeward Islands, "considering this importance to the Trade and Navigation of Great Britain and the great danger and hazard to which they would be liable from the French Colonies in their neighbourhood in case of a war" etc. *Annexed*, 129. i. List of Ordnance and stores of war required for above. [C.O. 153, 15. pp. 251-254.]

April 11.  
St. James's.

**130.** Order of King in Council. Confirming Act of Nevis, 1734, *for the support of Governor Mathew etc.*; Act of Antigua, Nov., 1733, *for support of Governor Mathew etc.*; Acts of St. Christopher, Jan. 1734, *for settling £1200 for one year and £800 per annum subsequently on Governor Mathew etc.*, and *for raising £800 annually etc.* Signed, Temple Stanyan. Endorsed, Recd. 1st, Read 20th June, 1734. 2½ pp. [C.O. 152, 20. ff. 105-106 v.]

April 13.  
Spanish Town  
in Jamaica.

**131.** Major Ayscough to the Council of Trade and Plantations. My Lords, Colo. Gumersal one of the members of the Council dyed this evening, which makes three vacancies. I presume General Hunter hath recommended to your Lordships, some gentlemen in the room of Mr. Moore and Mr. Laws deceased; and I humbly make bold to recommend to your Lordships, Colo. Varney Philp, a



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gentleman of a good estate, and of as good parts and understanding as most in the country, and very well affected to His Present Majestie. What with the thinness of the Council, sickness and several of the members living at a distance, will make it difficult to get a Council ; therefore hope your Lordships will fill them up. With the utmost regards, My Lords, your Lordships' most humble and obedient servant. *Signed, J. Ayscough. Endorsed, Recd. 7th, Read 12th June, 1734. 1 p. [C.O. 137, 21. ff. 64, 65 v.]*

April 15.  
Portsmouth  
N.H.

**132.** Lt. Governor Dunbar to [*Governor Belcher*]. Sir, on Friday last the carrier delivered to me a packet at Exeter where I was upon H.M. service, and in it an Order from your Excellency dated from no place the 11th instant for conveneing the Council here and asking their advice upon a Proclamation for a general Fast upon the 25th instant, dated also the 11th instant, and say'd to be from the Council Chamber in this town, when everybody knows you were at Boston, and I know no Council was held here on that day, I have alwayes been of opinion and am confirmed in it by the advice of every gentleman except a few here under your influence, that you have no right to send orders hither in the manner you do, a few days will convince you that you have not, in the mean time shall only say in answer to the Proclamation that I can by no means be instrumental in issuing of it, the day appointed being a Festival of the Church by Act of Parliamt. I was in hopes two or three mistakes your Excellency had made at Boston in proclaiming a feast on a fast and a fast on a feast day of the Church would have prevented any more such, except it was done in contempt of Church authority which may be reasonably suspected by your giving sanction to your platform of worship, where you say that Archbishops, Bishops etc. not being plants of the Lords planting shall be all rooted out and cast forth at the last, I do not doubt but you have or will hear from home upon that act of government ; as to your warrant for paying your sallary in advance, I must presume that sending to me was in case I should offer it for the Council's approbation (tho' it is already signed and countersigned as if by their advice) to make use of it as an argument against my demanding any part of it, for which reason I shall not only suspend offering it, but protest against paying it untill I knew who has the right to it, your Excellency knew there is no mony in the Treasury and so delaying this for a few days untill ships arrive can be no detriment. I did not intend to have troubled you with any letter at this time, but having this occasion I can't avoid taking notice of your treatment of me in sending your orders from Boston to the militia officers here without any notice of me, this, Sir, is unprecedented and not like a soldier, and no man but yourself would have done it ; this and your other usages of me is in effect taking H.M. Commission from me wch. I shall not give up untill it is H.M. pleasure to take it, yet your construction of my power has made it so contemptible here that I meet with all the opposition and disregard in the execution of my duty and in support of the king's service as Surveyor of the Woods ; I presume by the time this reaches you

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our dispute will be ended from home ; your manner of sending your orders was I suppose to avoid saying, Sir your humble servt. *Signed*, David Dunbar. *P.S.* I will call the Council to-morrow and if they will join with me, I will appoint Fryday the day after yor. Excise's. appointmt., being the 26 instant, for fasting and prayer &c. D.D. 1½ pp. [C.O. 5, 10. ff. 96, 96 v.]

April 15.  
Jamaica.  
Spanish Town.

**133.** President Ayscough to the Council of Trade and Plantations. Encloses Minutes of Assembly, which were sent to him too late to send by H.M.S. *Phoenix* etc. *Signed*, J. Ayscough. *Endorsed*, Recd. 19th June, 1734. Read 11th July, 1735. 1 p. [C.O. 137, 21. ff. 158, 161 v.]

April 17.  
Admiralty  
Office.

**134.** Mr. Burchett to Mr. Popple. H.M.S. *Romney*, under the command of Lord Muskery, and *Lowestoff*, commanded by Captain Cotterell, being designed this year for Newfoundland, etc., requests that such heads of Enquiry, as the Lords Commissrs. for Trade and Plantations shall think proper for them, may be prepared, and sent hither, as soon as may be. *Signed*, J. Burchett. *Endorsed*, Recd. Read 18th April, 1734. ¾ p. [C.O. 194, 9. ff. 247, 250 v.]

April 18.  
Admiralty  
Office.

**135.** *Same to Same.* Since my letter to you of yesterday's date, my Lords Commissrs. of the Admiralty haveing determined to send the *Romney*, under the command of Lord Muskery, and the *Roebuck*, commanded by Captain Crawford, to Newfoundland, and Captain Cotterell, in the *Lowestoff*, to Canso, I am commanded by their Lordships etc. as preceding. *Signed*, J. Burchett. *Endorsed*, Recd. Read 19th April, 1734. ¾ p. [C.O. 194, 9. ff. 248, 249 v.]

April 18.  
Whitehall.

**136.** Council of Trade and Plantations to the King. Representation upon Act of S. Carolina, 1723, for settling the estate of Richard Beresford decd. *Recapitulate* Mr. Fane's objections to it. *Continue* : The reason why no complaint hath been made against this act during the several years which it hath lain in our Office, is that the eldest son of the said Mr. Beresford, whose interest it was to sollicite the repeal of it, is but lately come of age, and having now made his application to us thereupon, we humbly take leave to lay the said act before yor. Majesty for your disallowance. [C.O. 5, 401. pp. 95, 96.]

April 18.  
Whitehall.

**137.** Order of Committee of Privy Council. Referring back to the Council of Trade their reports on the defenceless condition of Barbados, and need of stores for the Leeward Islands. They are to get the best information they can of what stores are necessary for each island and to inspect the laws passed there for raising money for repair of fortifications, establishing a militia etc., and to enquire what money has been charged and raised on the inhabitants for the said purposes, and to what uses such money has been applied, and likewise to enquire into the reason of the decrease of white men in the said islands ; and to lay the



1734. [137]

same before the Committee with their opinion thereon. *Signed*, Temple Stanyan. *Endorsed*, Reed. 19th, Read 23rd April, 1734.  $1\frac{1}{4}$  pp. [C.O. 28, 24. ff. 34, 34 v., 39 v.; and 152, 40. No. 35.]

April 18.

**138.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report thereon. *Signed*, Temple Stanyan. *Endorsed*, Reed. 11th May, Read 26th June, 1734.  $1\frac{3}{8}$  pp. *Enclosed*,

138. i. Petition of Col. John Peter Purry to the King. *Abstract.*

Governor Johnson, in pursuance of H.M. Instructions, caused a township to be surveyed and set apart on the Savannah River in S. Carolina since called Purrysburgh, containing 20,000 acres, and issued a Proclamation, Sept. 1st, 1731, forbidding any person to survey or take up any lands within six miles of the said township, such land being by H.M. Instruction ordered to be reserved for the use of the said town. The township was at the request of Petitioner declared to be for the use of a colony of Swiss Protestants, many of which are since transported and settled there by petitioner and more designed to be sent *etc.* When the Governor caused a survey to be made of the six miles contiguous, the Surveyors found that several persons had under divers pretences caused to be surveyed all or most of the south and east side of the lands adjoining the 20,000 acres laid out for the township, which are the best and most valuable lands *etc.* Petitioner will thus be unable to grant the said lands to the Swiss settlers, and be deprived of having in the said six miles the 48,000 acres granted him by H.M. Additional Instruction as a reward for his trouble and expense. The Governor apprehends himself not fully empowered to remove persons pretending a right for having surveyed the said lands antecedent to the survey of the said township, or the six miles contiguous, altho' petitioner is ready to prove, and it is indeed admitted that the situation of the said township was fixed and agreed on and the Governor's Proclamation issued long before such surveys for the persons claiming were made. Several persons of substance and prudence, whom petitioner has appointed and will appoint as overseers to protect, advise and assist the rest of this new Colony, have no allowance for their trouble and daily attendance *etc.* Purrysburgh for conveniency of navigation is settled on a swamp or morass on the side of a river, and as well for health as conveniency it will be necessary to drain the morass, which will be very expensive to those whose lots are situated on a rivulet which runs through the town *etc.* *Prays* for H.M. Order to the Governor to cause the six miles round the township, on that side of the river where it is situated, to be surveyed and set apart for its use, notwithstanding any surveys made thereof since the

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town was first cut out, and that the said lands be reserved as well for the intended grant of 48,000 acres to petitioner as for the use of such Swiss or other foreign Protestants as petitioner or his agents shall cause to be transported to settle the same. Petitioner further prays transport to settle the same. Petitioner further prays that the "overseers" (described above) may, in consideration of their charge and trouble, be allowed such additional quantity of lands within the six miles limits by the Governor as shall be thought an adequate reward *etc.*, not exceeding 300 acres *per* person. Their services to be certified to the Governor by petitioner. *Prays* that the inhabitants whose lots are scituated on the aforesaid rivulet, on condition of their cleansing and clearing it, may be allowed a double lott in the said town, in consideration of their extraordinary charge and labour; And as several foreign Protestants who have been obliged to fly their country in Germany and other parts of Europe for the sake of their religion and are well skilled in the production of silk and wine are willing to go and settle at Purrysburgh, petitioner prays H.M. that they may be reputed and received amongst the number of Swiss Protestants which he obliged himself to carry to that place. *Signed*, Charles Purry, Agent for Colo. John Peter Purry. *Copy.* 5 $\frac{3}{4}$  pp. [*C.O.* 5, 393. ff. 69-72 v., 74 v.]

April 18.  
Antigua.

**139.** Governor Mathew to Mr. Popple. The box of publick papers comes with this to Mr. Breholt, to whom I write to wait upon you with it *etc.* *Signed*, William Mathew. *Endorsed*, Recd. 22nd, Read 27th June, 1734. 1 p. *Holograph.* 1 p. *Enclosed*,

139. i. List of persons employed and fees taken in the Treasurer's Office, Antigua. *Endorsed as preceding.* 1 p.

139. ii. List of persons employed and fees taken in the Secretary's Office, St. Kitts. *Same endorsement.* 2 pp.

139. iii. Docquet of fees taken in the Secretary's Office, Montserrat. *Same endorsement.* 5 pp.

139. iv. Docquet of fees taken by the Clerk of Assembly, Montserrat. *Same endorsement.*  $\frac{1}{2}$  p. [*C.O.* 152, 20. ff. 118, 126 v-128, 129, 130-132, 133 v., 134, 139 v.]

April 18.  
Antigua.

**140.** Governor Mathew to the Lords Commissioners of Trade and Plantations. I send by this opportunity the following publick papers, besides the duplicates of those I last transmitted to Mr. Popple to be presented to your Lordships. An Act of the Island of Montserat for the more speedy building a church in the parish of St. Anthony. This Act is provided for in the Levy Act of that Island, which I formerly sent. There must be some such provision made for every parish in that Island, for there is not, since the last hurricane, a church standing, and on this article give me leave to observe to your Lordships, that in that one Island,



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tho' it be otherwise provided by general laws made by General Councils and Assemblys, the parishes are not govern'd by vestrys, or church wardens, nor the Rector paid by parochial levys, No, my Lords, they pay their clergy there out of their publick Treary., and when no levy is rais'd, as there have been intervals of years, the poor parson starves. I am endeavouring to bring them to the same way of thinking in this case, as other H.M. Church of England subjects do, and if your Lordships should think fitt to send me your orders on it, they would greatly assist me in obtaining this new regulation, at least in those parishes where the inhabitants are mostly Protestants, for there is one parish almost wholly Irish Roman Catholicks, as indeed is the better half of the inhabitants in all the Island. The Secretary of that Island telling me there were four Acts of that Island in his office, passd by Mr. Smith, the Commander in Chief before my arrival, I took them to send to your Lordships. They are vizt. 1 An Act for constituting a Court Merchant; 2 for naturalizing William Vessuup etc.; 3 to ammend a clause in the Court Act; 4 to explain the Sessions Act. With these I send an Act of that Island providing three hundred pounds p. an. that Island's currency for my support payable in sugars, just half what they settled on Lord Londonderry. I hope your Lordships will be so good to me as to let it be laid before H.M. with your report in my favour. They offerd me four hundred pounds a year, if I would promise to reside three months in the year in that Island, but this was so out of proportion with my duty to Antigua and the other Islands, contrary to the intent of H.M. Instruction, a summe that exceeded what Nevis had given me, that was better able than Montserat, and would have broke through the resolution I had evry where else most strictly pursud of owing wholly to H.M. recommendation these additional sallarys, not to any the least stipulation or sollicitation of my own, that I refus'd it and chose a less provision, as your Lordships will find by the Minutes of both Council and Assembly of that Island and these I send herewith vizt. Minutes of the Council of Montserat from 22 Dec., 1733, to 25 March, 1734. Minutes of the Assembly of Montserat from 6 Novr., 1733, to 25 March, 1734. I likewise send the docket of fees taken by the Secretary in that Island and the Clerk of the Assembly's dockett. The list of six persons to fill up vacancys in the Council of Montserat which I transmitted to your Lordships from St. Christophers, must be alterd. For Michael White, William Fenton Senr. and Peter Lee Esqr. refuse coming to that Board. I found but five Councillors there, one of them the Revd. Mr. Cruikshank very old and infirm, and these are but just a quorum. I got them however to attend constantly till my settlement was determind, that no surmise or suspicion might be that I had any views in my choice for my own sake, but that being over, to make up the number seven as H.M. directs, I swore into that Council Simeon Bouveron and George Wyke junr., Esqrs. I am humbly of opinion in an Island where there might be even more candidates for the honour of sitting at a West India Council Board, these two gentlemen would allways be thought worthy of it and I did not swear John

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Roynon Esqr., he being Treasurer., and since I was there, I am of opinion a Treasurer. ought to be a member of neither House. I send the Minutes of the Assembly of Nevis from 8 March, 173 $\frac{2}{3}$ , to 25 March, 1734, Minutes of the Council of St. Christophers from the 8 October, 1733, to 20 Feb., 1734, and the St. Christophers Secry's. office dockett of fees and with these three Acts of that Island vizt. 1 An Act *for giving an estate of inheritance in fee simple to such of the inhabitants of this Island as have built or shall build houses within the several fortifications of Brimstone Hill, Charles Fort and Fort Londonderry*; 2 *for obliging the churchwardens and vestrymen of the parish of St. George Basseterre to keep watch in the town of Basseterre and Irish Town by night etc*; 3 *for reducing the fee of three shillings p. sheet taken by the Secry. as Clerk in Chancery for the copys of bills and answers in the said Court filed in the Secretary's Office and for appointing a more reasonable fee in the room thereof*. As to the first of these laws, I am to inform your Lordships that about twelve years ago when I undertook fortifying Brimstone Hill, I at the same time recommended a law to encourage the inhabitants to provide within the works houses to shelter their familys from the weather in case of the Hill being invested by an enemy, and to make their confinement there sit more easily on them, and not make them think too soon of surrendring, and then a law was made giving a right of 52 years. But no enemy was then or since, till of late, thought of, and that, and a subsequent Act did not build one house, except that as an example to others, but in vain, I built a house there. But now the danger seemd to come within view, I got this new law on foot and passd, and the first accot. we get of the danger being nearer still, will set a many at work. I laid out a great many spots of land as directed by this Act before I left that Island. As for the fortifying, that is closely pursuing and likely to be continued now till that Island will be in my humble opinion, out of danger of submitting to any enemy. I pray leave to refer to the Minutes of Council and Assembly for what I have on this article recommended to them, and on which the Assembly came to suitable resolutions before I left that Island to go to Montserat. The second of these laws, I will not trouble your Lordships with any remarks of mine upon; it speaking plainly for itself, except that I took some pains to have appeals to the Legislature, instead of having them to the Courts of Law, wh. would reduce evry grievance to an expensive suit, but the lawyers would have it otherwise, and I chose rather to pass this law their way than reject it. The third law I must observe more particularly upon, as I apprehend there will be much said before your Lordships for and against. This law is suspended in its execution till confirmd by H.M. And by H.M. Instructions I could not otherwise have assented to it. Mr. Secretary Smith, who oposed this bill, as touching the Revenue of his Office very considerably, wrote me a letter after it had passd the Assembly to induce me to reject it. For that (letting me know too he soon intended for England) this Act took from him a fee settled originally by law and ever since enjoyd by his predecessors and him, therefore this



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was a downright encroachment on his patent, against H.M. Instructions to me and against a case in point determin'd by your Lordships and for it appeals to your Lordships' letter to the Govr. of the Leeward Islands 18 July, 1727. He further observ'd to me how the Assembly of St. Christophers had not observ'd that letter, that he still was upon that acct. a sufferer as well as by the Judges' Clerk usurping a part of his office, that his enemys design'd ruining his office for opposing their irregularitys whilst he was at the Council Board, which he was going to lay before H.M., and that the suspending clause did not releive him from the trouble and expence of a sollicitation in England to get this Act rejected, or that it ever was the intention of the Crown to permitt bills to pass with a suspending clause that takes away a right from a man about which there is no manner of doubt. These reasons made me doubt what I should do. They kept me in suspence on one side, and on the other if the fee was exorbitant, 'twas high time to releive those concern'd from it. This releif I could not give you without a law, nor that law but with the suspending clause, and if Mr. Smith's right is an indefeasible right, he would find it in his success at home, and if the grievances not being releiv'd would be charg'd no where. He gave in a petition much to the purport of the above letter, and the prayer was to be heard by himself or Council before the bill pass'd. This was granted, and a long time for it. But on ye day, his deputy told me he had apply'd to a lawyer, who refus'd appearing, saying 'twas appearing against his own opinion on the matter, and on my asking whether I should appoint him Council, he told me no, he beleiv'd they all thought as this one he would have engag'd did, and therefore the bill must take its course. In the mean while I had wrote to the Attorney Genll. at Antigua (a gentleman of great worth and fair character) for some of his sentiments on this matter. His answer determin'd me for passing the bill, for among other things, he sent me what I chiefly wanted, that was, what the fee was at Antigua, for what three shillings had all along been paid at St. Christophers, and that he wrote me was but ninepence. I could then waver no longer, when ye inhabitant of St. Christophers was willing by this new law to tax himself eighteen pence, for what the Antigua man paid but half that price. I humbly submitt myself. I send-a list of persons employ'd and of fees taken in the Treasurer's Office at Antigua. I am forc'd to send these paper so incoherently, because I can get them no otherwise, it gives your clerks the trouble of placing ym in order. There are many more I ought to send, but I was a long time after my arrival so very ill, I could not do much business, what indulgence your Lordships will please to give me on that score, I will endeavour to merit, by following my duty, now I have health, very closely. I have seen printed mapps of Antigua, St. Christophers and Nevis, but I cannot learn any one ever was made for Montserat. Whilst I was there, I attempted some such thing, and hope to have it to present to your Lordships herewith, or by the very next opportunity. I will not warrant it exact, as if I had actually survey'd it by admeasurement, but I think it very like the Island, and not very eronious. Among the

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many things I laid before your Lordships as necessary for the security of these Islands in case of a warr, I omitted two things and beg tho' this letter is grown so long I may now lay them before you. Let any one of these Islands be attackd, I shall find, I am well assur'd, the other three cold enough in their zeal to assist the fourth in danger, either fearing to weaken themselves, or for other reasons. I may indeed by the power H.M. has given me, call many to go with me, but if they won't, I see no remedy. The Articles of warr will stand but in little stead, where the Court is to be composd of Judges of the same mind with the offenders. The King's Regiment I know I can compel to go. But then, my Lords, vessels must be hird or pressd. These must be apprais'd as to their value, victuald, and the hire paid. I shall stand answerable for all this. The Island of Nevis has ow'd me £300 above thirty years on such an article, and never would or will pay me. This service must be done, if these vessels should fall into an enemy's hands, it may bring a debt upon me, I may hardly be able to bear. The Island I carry succours from, to be sure will pay nothing. The Island I carry them too, when an enemy is gone off, may not remain able. There is an old law making some provision for these emergencies, but 'tis now out of date, and from the new face these Islands have (since that law was made) now put on, the proportions mention'd in that law are most preposterous. St. Christophers by that law pays but  $\frac{1}{3}$  of what Nevis is to contribute, and but  $\frac{1}{2}$  of what Montserat is to pay. But the produce of St. Christophers at this time of day is double the produce of both those Islands. I beg your Lordships will consider this, and obtain some directions from H.M. to cover me from this danger of ruining my family in his service. In the meanwhile I will try what can be done here in each of these Islands, that is by putting to them, how farr they will go to pay for the succours brought to them. Still I shall be in danger without H.M. protection. The Laws and my post may keep me out of a gaol here, but I shall be open to prosecutions on my return to England. The other point I pray leave to lay before your Lordships is : a Governour of the Leeward Islands is under great disadvantages a Governour of any other Colony is not. This Colony is of many Islands, the Governour's duty calls upon him frequently to visit them all. These visitts are so many sea voyages, attended with expence. The ship of warr is not allways at hand to give the Governour a passage, and the Captain of this Station Ship (which indeed is not the case now) is sometimes as willing to do anything else. The Governour then is reduced to hire the vessel he can, this expence with laying in provisions for the usual guard that goes with him and such gratuities as are expected from him and he must bestow, is not trivial. I was forced to make my passage so from St. Christophers to Montserat, and thence to Antigua. I assure your Lordships it cost me in extraordinary expence not so little as fifty guineas. I would therefore humbly offer, and entreat your Lordships countenance and protection in the sollicitation I have desird Mr. Coope to undertake. That a vessel of small burthen, be it sloop or yacht, might be



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bestowd by H.M. on this Government, to be wholly disposd of as the Governour shall think fitt. That she have ten three pounders, and as many swivel guns, and that towards maintaining her, I mean paying the crews' wages, victualling and keeping her in repair, H.M. would please to give his casual Revenue in this Government and his third on all captures. Towards manning her a serjt. and his guard of the regiment here might allways be kept and victuald in her, in case of a warr a bigger guard and a subaltern, the rest saylours. Such a vessel, beside tending the Governour in his passing from one Island to another, might allways be at hand to assist the officers of the Customs, might be as a guard de côte both to protect our own trade, as also to break through the clandestine trade (notwithstanding the late Act of Parliament made for our releif) still at noon day carryd on (by Road Island vessels especially) from the French Islands, with molass to that Island, and other northern Colonys, and indeed, my Lords, we are in utter want of such a vessel for this purpose, and we dayly see that law eluded, for not having such a one. But if a warr happen, here is a fine privateer or station vessel, to attend the ships of warr and pursue the enemy in such shoal water as H.M. ships cannot follow them in. And on an Island being invaded this vessel may stand in great stead towards relieving the late difficulty I mentiond of transporting succours where wanted. I assure your Lordships I exagorate no one circumstance in this state of our wants. For the rest I submitt myself to your Lordships' better judgement. I send an Act of the Island of Antigua entitled *An Act for building a platform, cisterns or reservoirs of water at English Harbour in this Island for the use of H.M. Ships of warr*. I can give your Lordships no other remarks on this than that it shows how willing this Island is to do their utmost for their own safety, by engaging thus H.M. ships of warr to be much here, for the protection of this Island. I allways am with greatest respect. *Signed*, William Mathew. *Endorsed*, Recd. 20th, Read 27th June, 1734. *Holograph*. 10 pp. [C.O. 152, 20. ff. 119-124 v., 125 v.]

April 19.  
Whitehall.

**141.** Council of Trade and Plantations to the Committee of Privy Council. Upon petition of Thomas Parke (*v.* 8th Jan.) recommend that H.M. order Governor Mathew "to move the Assembly of Antigua to direct the Treasurer to examine what proceedings have been had thereon and settle the claim of petitioners and afterwards to pay them such sums as shall appear to have been due to Daniel Parke Esqre. at the time of his death." [C.O. 153, 15. pp. 254-256.]

April 20.  
St. James's.

**142.** H.M. warrant appointing Thomas Hals to the Council of Jamaica. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 457.]

April 20.  
St. James's.

**143.** H.M. warrant appointing John Gollop to the Council of Barbados. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 456.]

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April 23.  
Whitehall.

**144.** Mr. Popple to Mr. Burchett. *Reply to 18th inst.* Encloses usual Heads of Enquiry relating to the Fishery at Canço. *Same as C.S.P. March 30, 1731. Concludes:—*My Lord Muskery having a Commission and Instructions for the Government of Newfoundland from His Majesty, my Lords Commissioners have nothing further to offer upon that head for this year. [C.O. 218, 2. p. 298; and 195, 7. p. 340.]

April 24.

**145.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* copies of Capt. Taverner's Memorials (v. Feb. 2nd and 12th, 1734) relating to French settlers at Portabask Harbour *etc.* *Continue:—*This Board have always thought it was not for the interest of the Fishery of Newfoundland to encourage settlements there, even of H.M. subjects; But as a settlement of the French upon a part of Newfoundland, where the French King's subjects have not any right even to catch or cure fish, must prove of ill consequence upon account of illegal trade which they carry on; and as they cannot fall under the description of those who were permitted to remain there by virtue of the Treaty of Utrecht, we are of opinion they ought to have notice to depart; and therefore we desire your Grace will please to receive H.M. orders that my Lord Muskery, who is now going Governor of Newfoundland and Commodore of the Convoy designed to protect the Fishery in those parts, may be instructed accordingly. *Autograph signatures. Endorsed,* Copy sent to Ld. Waldegrave and the Lords of the Admiralty, May 13th, 1734. 2 pp. *Enclosed,*

145. i., ii. Copies of Memorials from Capt. Taverner to Board of Trade, of Feb. 2nd and 12th. [C.O. 194, 23. Nos. 43, 43 i., ii, and without enclosures, C.O. 195, 7. pp. 340–2.]

April 24.  
Barbados.

**146.** Governor Lord Howe to the Council of Trade and Plantations. *Encloses* duplicate of last letter and act for regulating fees, and sends Minutes of Council 17th Oct.—20th March, list of inhabitants and Journal of Assembly 13th Nov.—6th April, 1734 *etc.* *Recommends* for Council Mr. John Gollop, to fill the place of Mr. Pilgrim, who has died in London. *Signed,* Howe. *Endorsed,* Recd. 26th June, Read 2nd July, 1734. 1 p. *Enclosed,*

146. i. An account of the inhabitants of Barbados. Men, 4917, women, 5822, boys, 3745, girls, 3629. *Total,* 18,113. *Negroes,* 46,362. White men fit to bear arms, 4,708. *Endorsed as preceding.*  $\frac{1}{4}$  p. [C.O. 28, 24. ff. 52, 53, 54 v.]

[? April 24.]  
Barbados.

**147.** Governor Lord Howe to the Duke of Newcastle. Duplicate of preceding covering letter. *Without date, signature or endorsement.* 1 p. [C.O. 28, 45. f. 313.]

April 24.  
Whitehall.

**148.** Lord Harrington to the Council of Trade and Plantations. H.M. having been pleased to appoint Henry Cunningham Esqr. to be Governor of Jamaica in the room of Robert Hunter Esqr.; it is H.M. pleasure, that the draughts of his Commission and



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Instructions may be prepared, in order to be laid before H.M. for his approbation. *Signed*, Harrington. *Endorsed*, Recd. Read 25th April, 1734.  $\frac{3}{4}$  p. [C.O. 137, 21. ff. 25, 29 v.]

April 25.  
Whitehall.

**149.** Council of Trade and Plantations to Secretary Lord Harrington. Enclose following to be laid before the King. *Annexed*,

149. i. *Same* to the King. Submit following.

149. ii. Draught of H.M. Commission for Henry Cunningham Esq. to be Governor of Jamaica. In the same form as Governor Hunter's Commission, March 14, 1727, q.v.

April 26.  
Tower Hill.

**150.** Mr. Harris to Mr. Popple. Sr., Two days since I received the letter from Jamaica, whereof the enclosed is an extract, relating to the rebellion of the negroes on that island. And which I am sorry to find answers my fears which I expressed when I had the honour of attending the Board some time since, vizt. that our next letters would bring advices, that slaves from many plantations would soon join their fellows, on the successes they had had over the partys sent against them. So, as the island would quickly be in imminent danger and I wish our future advices on this subject may not be worse and worse, the consequence whereof being too important to remain in silence, I therefore thought it my duty to trouble you herewith in order to be laid before your honble Board from, *Signed*, Rd. Harris. *Endorsed*, Recd. 26th April, Read 1st May, 1734. 1 p. *Enclosed*,

150. i. Extract of a letter from Jamaica dated the 15th February, 173 $\frac{3}{4}$ . We received advice yesterday from Port Antonio of 22 plantation negroes, and some which belonged to the party having deserted and gone over to the rebells, and from St. Thomas in the East, we have an account of about 40 able Cormantine negroes having deserted their masters, and it is supposed are likewise gone over to them. This has occasioned a fresh alarm, and some people are under such apprehensions, that it is confidently reported the Governour has thought of Martial Law as the only means of preventing the infection from spreading; The Assembly is now sitting, and we shall soon know their resolutions. In fine this affair has been a meer trade for some years, and the country bubbled out of vast sums, the consequence we fear may prove fatall to us if some measures are not speedily taken to suppress those rebells, who certainly encrease in strength and are grown very insolent upon the success they have met with. We doubt the country is not able without some assistance from England to do it effectually, and therefore we hope our friends will in time consider what is necessary to be done towards it. We forgot to mention that 29 negroes belonging to H.M., and employed in clearing Lynch's Island which forms Port Antonio Harbour, were likewise going to the

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rebells but were intercepted by a party sent after them, and are now in irons on board one of the men-of-war. *Copy.* 1 $\frac{1}{2}$  pp. [C.O. 137, 21. ff. 43, 44, 46 v.]

April 26.  
Portsmouth.  
N. Hampshire.

**151.** Lt. Governor Dunbar to Governor Belcher. Your Excellency may remember the complaint I made you when last here, of the opposition I met with from time to time in the town of Exeter, and of the great wasts committed on the white pine trees by people employed in that town, particularly by Coll. Gilman, Major Gilman, and Major Thyng, all in the Commission of the Peace there, and in my complaint I told your Excellency that whilst the owners of mills were magistrates and officers it would be impossible to restrain the people from destroying the king's woods, and Major Thyng pleading his innocency and little concern in logging or sawing, I compared him to the late Jona Wild of London, who neither robbed or stole himself, but was in confederacy with a 1000 theives and robbers, I am now to acquaint your Excellency that on Fryday the 5th instant I went to Copyhold Mill in the township of Exeter, where 87,000 feet of white pine boards are by the Court of Admiralty decreed to H.M. as being sawed out of forfeited logs, and having some intimation of a design to insult me, I ordered an officer and 12 men of the Exeter troop to attend me; upon my arrival at the said mill, I was saluted by hallowing, shrieking and many small armes from the woods contiguous to ye mill, Major Gilman was there, but denied he knew who the men were, who kept fireing and hallowing, and running in gangs to and fro, as if they would be believed to be Indians, he asked me what I intended to do with the forfeited boards, I answered if I could not sell them to defray the charges of prosecutions I would separate them from boards that were not condemned, and burn them, he replied with warm yt. they should not be burnt on his land, the king had no business on his land, and should burn no boards there, I was a good deal provoked at such disrespectfull expressions, however bridled my resentmt. and came away, and as soon as my back was turned, several of the men who made the noise in the woods came with their armes to the Major, laughed and talked to him, but he chid them, weh. I think was short of his duty as a magistrate; as soon as I returned to town I acquainted the Council with the insult I had received and desired their advice upon it, Mr. Waldron for the majority told me, it was not their business to advise, but properly a lawyer's, and did not so much as minute down that I asked the Council's advice upon it, thus am I treated here. I am now to acquaint your Excellency that on Monday last I hired and pressed ten men and a boat to go to Exeter and thence to Copyhold and Blackrock Mills to separate and mark with the broad arrow the forfeited boards, which at these two mills amot. to 200,400 feet, and sent an order to Coll. Gilman to send an officer and 24 men to each mill to protect the men employed in separating and marking, and with the men on Tuesday I wrote to the Collo., a copy whereof is inclosed; on Tuesday afternoon I followed them and carried with me Mr. Justice Penhallow and Doctor Peirce,



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and ordered Sheriff Russel to meet me next Monday at Exeter, we lay on Tuesday night at Newmarket, and fortunately we did so, for as soon as candles were lighted, a great number of men rushed into the house where my 10 men were to lodge at Exeter, and where I usually lay, put out the candles and beat and abused them to that degree that some are in danger and most of them disabled for some time to come ; and in the time of this tragedy one cryed out, while they were upon a man that is mostly in my family, murder the dog outright, he belongs to Dunbar, I hope this can be proved upon one who is no small man among them. On Wednesday morning I went to Exeter and ordered the 2 Gilman's Justices, and Major Thyng with Cpt. Penhallow to take the examinations of the wounded men and any other relating to the fact, I was ashamed to see the behaviour of the three Exeter Justices, every one present judged them promoters of it, they sayd very little, but in excuse for those accused, Major Gilman and Major Thyng with sanctified fizzes sayd they heard nothing of it untill 9 o'clock next morning, which is scarce credible when the outcry of murder was heard more than a mile from the town. The boat was cut to peices at Coll. Gilman's wharfe, and one sail, the other stolen, one man was thrown out of a window, another carried by 4 of the riotters, and thrown from a pile of boards 20 feet into the mudd, and almost killed ; I send your Excellency a copy of Mr. Greely's affidt. proveing the design to murther me, and before it was spoke of Coll. Gilman among the Justices desired and advised me not to go to Copyhold, for that I should run very great danger, which I think is a proof that he is privy to the intention in Mr. Greely's affidavit, tho' I beleive the Indians therein mentioned are Exeter men disguised as such, or how could Nettick Indians in ambush know Mr. Atkinson, Mr. Greely and me, from other people. I have ordered the Council to meet this day, when I intend to propose to them issuing a Proclamation while the thing is hott with a reward and pardon for the discovery. I will send your Excie. copys of the examinations and the proceedings of Council upon them by next opportunity, I intend also to propose summoning the Exeter justices to be examined before the Council. *Signed, David Dunbar.* 1 $\frac{3}{4}$  pp. [C.O. 5, 10. ff. 98-99.]

April 27.  
Whitehall.

**152.** Mr. Popple to the Agent of Barbados. My Lords Commissioners for Trade and Plantations, having under consideration the condition of H.M. Island Plantations in America, with respect to their defence, have commanded me to desire, you will give them the best information you can of what quantity and sorts of stores of war are necessary for the defence of the Island of Barbados, as likewise an account what laws have been pass'd since the year 1702, or so far back as you are able, in the said Island for raising money for the repairs of the fortifications, for the establishing a Militia, or other defence of that Island, and what money has been charged and raised on the inhabitants of the sd. Island for the said purposes ; and how, and to what uses the same has been applied, and also what number of men there are at

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present able to bear arms for the defence of the Island, and from what cause is the decrease of white men there, and what encouragement is wanting to induce new settlers. To all which you are desired to return speedy and full answers so soon as possible.

*Similar letter, mutatis mutandis, to the Agents of Antigua, Nevis, St. Christophers and Montserrat. [C.O. 29, 15. p. 434.]*

April 29.  
Portsmouth,  
N.H.

**153.** Lt. Governor Dunbar to Governor Belcher. *Refers to* his letter of 26th, and his summoning the Council to offer a reward for discovering the rioters at Exeter *etc.* *Continues:* I was exceedingly surprized at the behaviour of six of eight gentn. of the Council then present, who have refused taking any notice of it, or joining in the Proclamation proposed, Mr. Seery. Waldron will send your Excellency the Minutes of Council, which I have told him were partially taken, but that is his custom in anything relating to me; as soon as I proposed that Proclamation with the reward, that gentleman as a Councillour asked me from whence should the mony come, I reply'd from the publike, and I would advance it and trust to the next Genl. Court for a reimbursement, upon which most of the gentlemen voted for it, but upon his saying that I had no power to issue Proclamations, that belonging only to your Excellency, they retracted, and refused—or advising such a Proclamation, and now the currant talk about town is that the Council refused doing anything in it, which will encourage the country to proceed as they have begun; this will sound well at home where it shall be impartially related with proofs, in the mean time the people who have destroyed the king's woods not only go unpunished but reap the benefit of their robbery, to the value of near two thousand pounds in boards and condemned logs, and His Majesty must pay the expence of prosecutions as adjudged in New England, wch. if I am not mistaken is contrary to the Laws of England, but laws and Royal orders are [*? not*] much regarded here, witness a thousand instances, and among them where Royal Commissions and Mandamus's are disobey'd; and wrested constructions put upon them against the sense of all mankind except a few concerned: I have wrote so often and being convinced of a villainous practice of intercepting my letters, that I think myself under a necessity of going to London to lay my complaint before His Majesty and Ministers, and for that end I desire your consent as far as it is necessary; my staying here henceforward can serve no purpose, for I am persuaded no body will advise my going again into the woods. I have given orders at the Fort that no vessel laden with lumber at mills where forfeited boards lye shall pass the Fort, if I can't justifie this, I will recall it upon your Excellency's advice, and if I can, it would be proper to advertize it in the newspapers, to prevent lumber vessels from going to any branch of Piscataqua River in New Hampshire side. This is all the revenge or remedy left to punish villains that conspire against His Majesty, however to endeavour all that is possible to detect them, I have ordered Mr. Jaffrey, Mr. Gambling, Mr. Peirce and Mr. Penhallow to summon the three Exeter Justices, and others to examine them; I am convinced that Mr. Slade, whom I have



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lately discharged from being one of my deputys, has been instrumental in inciting yt riott, having as it was proved at the examinations at Exeter, told the country people yt. I was sending to burn the boards yt. were forfeited. When the examinations are taken of the Exeter justices, I will transmitt copys to your Excellency. *Signed*, David Dunbar.  $1\frac{3}{4}$  pp. [C.O. 5, 10. ff. 100, 100 v.]

April 30.  
Charles Town.

**154.** Governor Johnson to the Council of Trade and Plantations. The first Sessions of the new Assembly ended the 9th of this month, when 17 bills were assented to, which shall be transmitted to your Lordships. as soon as possible. By this conveyance which is the *Aldborough* man of war, (in which Mr. Oglethorpe takes his passage for England,) I send to Mr. Fury, our Agent, the humble Address of the Governour Council and Assembly of this Province to H.M. ; the humble Remonstrance of the same on the Currency, and the Memorial and Representation of the State of the Province as to the dangers we are in from our neighbouring French, Spaniards and Indians. The Assembly have made provision for mounting the artillery, and we shall take all the properest measure we are able to put our selves in the best posture of defence in case the rupture in Europe should happen to affect this part of H.M. Dominions *etc.* *Signed*, Robt. Johnson. *Endorsed*, Recd. Read 2nd July, 1734. 2 pp. [C.O. 5, 363. ff. 76, 76 v., 76 (a) v.]

May 1.  
Whitehall.

**155.** Council of Trade and Plantations to Lord Harrington. *Enclose* copy of letter and extract from Mr. Harris, giving an account that negroes from several plantations have deserted to those in rebellion in Jamaica *etc.* *Conclude* : As this is a matter of consequence and seems to confirm what has so long been apprehended in that island vizt. a disposition to a general revolt among the negroes we, *etc.*, desire you will please to lay the same before His Majesty. *Autograph signatures.* 1 p. *Enclosed*,

155. i., ii. Letter and extract from Mr. Harris, 26th April, *supra*. [C.O. 137, 47. ff. 220, 223-224 ; and (without enclosure) 138, 17. p. 400.]

May 2.  
Charles Town.

**156.** Governor Johnson to the Duke of Newcastle. The first Session of the New Assembly ended the ninth of last month, when 17 Bills were assented to, which shall be transmitted to the Lords for Trade as soon as possible. By this conveyance (which is the *Aldborough* man-of-war, in which Mr. Oglethorpe takes his passage for England) I send to Mr. Fury our Agent, the humble Address of the Governor Council and Assembly of this Province to H.M. ; the humble Remonstrance of the same on the Currency, and the memorial and representation of the State of the Province, as to the danger we are in from our neighbouring French, Spaniards and Indians. The Assembly have made provision for mounting the artillery, and we shall take all the properest measures we are able to put ourselves in the best posture of defence, in case the rupture in Europe should happen to affect this part of H.M. Dominions *etc.* *Signed*, Robt. Johnson. 2 pp. [C.O. 5, 388. ff. 116, 116 v.]

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May 4.  
Richmond.

**157.** H.M. Warrant for granting pardon to William Major (*v.* 14th March *supra*). His name to be inserted "in the first and next general pardon that shall come out for the poor convicts of Newgate." (*Wrongly dated*, 1733.) *Countersigned*, Holles Newcastle. *Copy*. [*C.O.* 324, 50. p. 84; and 324, 36. p. 458.]

May 5.  
Boston.

**158.** Governor Belcher to the Duke of Newcastle. Since I had the honour of addressing your Grace in February last, I have recieved from H.M. Secretary of New Hampshire, what passed in that Assembly, and in the Council at my last being there; by which your Grace will find, that after waiting upon the Assembly the length of an unusual session, they wou'd supply no money to the Treasury, which has been empty now near three years; the King's fort is therefore dropping down, the Province naked and defenceless, and those to whom the public is indebted, under great oppression, and this, as I wrote your Grace in my last, I attribute very much to the difficulties I meet with from Coll. Dunbar, who is in close concert with all those that oppose the supply of money for the support of the King's Government and people. It is impossible (with great deference), my Lord Duke, for that Province or people to be easy, while that gentleman stands in the place he does, for he seems to delight in nothing so much as quarreling and contention *etc.* *Asks for his removal.* *Continues*: I have order'd my agent, Mr. Partridge, to lay before your Grace, whenever you shall please to command, some papers respecting my not admitting Messrs. Wentworth and Atkinson to be of H.M. Council of New Hampshire; which I hope will give your Grace entire satisfaction *etc.* If, my Lord Duke, the insolence of such men must be suffer'd, it will of course destroy the King's authority, and subvert all rule and order. Altho' Mr. Atkinson refus'd to take the oaths as Councillor, when I first offer'd them to him, yet after he had as a member of the House of Representatives (during the whole session of the Court) oppos'd the supply of money to the Treasury, and everything that had a tendency to the King's honour and service, and to the safety and interest of the people, he came after the session was over, and offer'd to be sworn, but Mr. Wentworth never came to me after he refus'd taking the oaths. The standing number of Councillors in that Province is twelve, of which there are now two wanting, and I shall in a little time recommend to your Grace such as are qualify'd according to the King's royal Instructions to me, and in the mean time, I humbly hope your Grace will prevent the filling up those vacancies with any persons that may still bring me under greater difficulties in my administration in that Province *etc.* *Encloses* Journals of the last House of Representatives of the Massachusetts Bay where a new Assembly is to sit on the 29th *etc.* *Signed*, J. Belcher. *Endorsed*, R. 25th June. 4 pp. [*C.O.* 5, 899. ff. 65-66 v.]

May 6.  
Tower Hill.

**159.** Mr. Harris to Mr. Popple. Some time since I sent you an extract from a letter from Jamca. on the same melancholy



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subject as two of ye same kind hereinclosed, to wch. I shall only add that if either French or Spaniards openly or secretly go on in assisting these rebellious negroes, the said island will soon belong to one or the other of them. Perhaps this hint may be also disagreeable, as it comes from one so out of fashion as myself, but as I judge these notices from what way soever they come may be proper to be laid before your Honble. Board, I therefore trouble you therewith *etc.* Signed, Rd. Harris. Endorsed, Recd. 17th, Read 22nd May, 1734. *Holograph.*  $\frac{3}{4}$  p. *Enclosed,*

160. i. Extracts of letters from Jamaica (a) 18th March, 1734.

. . . The rebellious negroes openly appear in arms and are daily increasing, they have already taken possession of three plantations within 8 miles of Port Antonio, by which means they cutt off any communication between that harbour by land. They have also attacked a place called the Breastwork where severall men armed were lodged to cover the workmen.

(b) 23rd March, 1734. . . The rebels do certainly increase, and upon the success they have met with in defeating our parties are grown very insolent and audacious, insomuch that there is too much reason to fear a generall defection. In which case we shall be in the utmost danger if some assistance be not speedily sent over. 1 p. [*C.O.* 137, 21. *ff.* 56, 57, 58 v.]

[May 7.]

**161.** Mr. Yonge to the Council of Trade and Plantations. By a letter from Governor Johnson *etc.*, 22nd Nov., I am commanded to acquaint your Lordships, that by the advice of H.M. Councill he had removed Thos. Cooper Esqr. from his place of Assistant Judge of the Court of Pleas in that Province until H.M. pleasure be known, and that he has appointed — Dale Esqr. in his stead. And that their reasons for so doing were : Because the said Cooper had taken upon himself to publish and affix in a publick place at Port Royal, that he wou'd dispose of H.M. lands in that province to such as wanted and wou'd apply to him and company. And that on such an application they shou'd have the mesne conveyances under patents confirm'd to them, which advertisment is subscribed *Cooper, Rothmoller and Company.* And for that when the Governour had sent to the Collector of H.M. Customs at Port Royal to transmit to him and H.M. Councill the said advertisment and it was inclosed in a sealed letter, and sent by one Lewis Pacquereau and directed for H.M. service to the Clerke of the Councill. He the said Cooper intercepted the delivery of the same, by going to the lodgings of the said Pacquereau and takeing it away from him in a forcable manner ; as appeared to them by several affidavits, copsy of which are herewith annext. All which doings, they the said Governour and Councill look upon as a great contempt of H.M. authority vested in them. To whom the sole power is given of disposing of H.M. lands in that Province, and that the same was done (as they judged) with a design to create divisions and contentions, and to stir up the people to tumult and sedition. And that the said

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Govr. and Councill have also thought fitt and proper to appoint Thomas Lamboll Esqr. to succeed Daniel Green Esqr. as an Assistant Judge of the said Court, he being come for England for the recovery of his health *etc.* *Signed*, Fra. Yonge. *Endorsed*, Recd. 7th, Read 16th May, 1734.  $1\frac{3}{4}$  pp. *Enclosed*,

161. i. Deposition of Louis Patureau. 16th May, 1733. *v. preceding.* *Signed*, Louis Patureau. *Copy.*  $1\frac{1}{2}$  pp.

161. ii. Deposition of Joseph Raper, 25th May, 1733. Relating to above. *Signed*, Joseph Raper. *Copy.* 1 p.

161. iii. Deposition of Elizabeth Patureau, wife of Louis Patureau. *Signed*, Eliza. Patureau. *Copy.* 2 pp. *Nos. i-iii endorsed as covering letter.* [C.O. 5, 363. ff. 56-58, 59, 59 v., 62 v., 63 v.]

May 9.  
Portsmo.  
N. Hampshire.

**162.** Col. Dunbar to Mr. Popple. *Abstract.* In obedience to the Board's recommendation of Mr. Slade, one of his Deputies, he has treated him as civilly as if he had been his brother, but learns that through his connivance with the loggers, compounding with same and discharging seizures *etc.* in return for contributions from them, more waste has been committed in the woods in New Hampshire than in all the time since Col. Dunbar and his deputies came over. When he decided to dismiss him, he asked to be allowed to resign, so that there should be no occasion for writing home about him *etc.* Believes that he was an instigator of the riot at Exeter *etc.* *Signed*, David Dunbar. *Endorsed*, Recd. July 9th, Read, Nov. 27th, 1734. *Holograph.* 2 pp. [C.O. 5, 876. ff. 128, 128 v., 131 v.]

May 10.

**163.** Society for the Propagation of the Gospel to the Council of Trade and Plantations. Petition for repeal of Act of New York to empower the Vestry of Jamaica *etc.* Describe case of Rev. Mr. Poyer and Colgan. The annual allowances made by the Society to supplement the stipends of Missionaries, schoolmasters and catechists in the Province of New York at the request of vestries and inhabitants amount to £635 sterl. *etc.* *Set out*, N.Y. Col. Docs. VI, p. 1. *Signed*, Ferd. John Paris, for the Society. *Endorsed*, Recd. Read 10th May, 1734.  $2\frac{3}{4}$  pp. [C.O. 5, 1056. ff. 103-104 v.]

May 10.  
Annapolis  
Royall.

**164.** Lt. Governor Armstrong to the Council of Trade and Plantations. This being the first opportunity that hath presented from hence this year, I judged it my duty to communicate to yor. Lordps that the present state of affairs here are much as formerly, and to lay before you the whole of my transactions in conjunction with the Council since my last; which are comprehended in the copy of minutes, orders, letters and those of the buttings and boundings of the patents now transmitted for your Lordships' perusal. By the Minutes particularly these of 6th and 7th of July 1733 and that of the 9th of Jan'y. 173 $\frac{3}{4}$  your Lordps. may observe sevl. reasons for my suspending of William Winniett Esqe. from being of the Council; Tho' which added to these I advised Yor. Lordps. of the 10th July 1733 and the 15th of



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Novr. 1732 upon Major Cope's declaration in Council the 25th of July 1732, to which I must refer you, I hope will be judged sufficient for my vindication ; his discovering the designe of the magazine intended at Mines, being, although but obliquely, in such a manner insinuated also by others as to cause a further suspicion of his integrity ; as to which it not being possible to procure clearer proof, without exposing the informers not only to the envy and hatred of their neighbours, but to the malice and fury of the Indians, I concluded it was the safest, not to communicate any further reasons to ye Council than what are in said Minutes expressed, but to refer his suspension till H.M. pleasure should be thereon known, least any person from thence should ffall a sacrifice. In regard to anything further to be said about the seigniors, I must also refer your Lordps. to the Minutes of Council and my Orders thereon issued relating to the inhabitants of this River and their seignioreal rents, which they, with less difficulty than I at first imagined, have paid to me for the year 1732 and 1733 for and on accot of H.M. ; for which, I am accountable £40 18s. 2 $\frac{7}{8}$ d. New England money which at 260 p. ct. discompt amounts to £11 7s. 3 $\frac{1}{2}$ d. sterll. as you will see by the schedule of the said rents and ye stated accot. thereof herewith sent to yor. Lordps. As to those payable by the inhabitants in the other parts of the Government, I can't as yet give your Lordps. any information, being balk'd in my intended expedition, which I still designe as soon as the circumstances of time and opportunity will permit, and the stopages made on accot of Mrs. Belisle for the reasons assigned I recommend to yr. consideration. I have frequently discoursed with the inhabitants about renewing their grants and taking patents in H.M. name, but as yet to no purpose ; their present quit rents being but a mere trifle in comparison of what is required by H.M. Instructions : And as there are almost none of them that possesseth less than a mile in front and a league backwards without ye condition of inclosing and fencing, your Lordships may easily judge from thence of their backwardness in this respect : And, with submission to your Lordps., I am of opinion, that if the upland (which on this river is indeed rocky and mountainous and of a thin sandy soil) be so very barren as by them represented, that one penny sterll. p. annum is too much for one hundred acres of such ground that will never ansr. the charge of inclosing ; And this my Lords may be one great reason why we have not some British planters amongst us, the terms of their grants being also, perhaps, much more favourable in our neighbouring provinces ; And I likewise take the liberty, my Lords, to represent that, in my opinion, H.M. revenues and interest in this, as well as in his other Provinces to the southward of us, would sooner increass and be supported by Trade and Navigation carried on in time by British subjects settling amongst us upon the annual acknowledgmt. of a pepper corn than of ten shill. p. acre ; As it would be an encouragemt. for adventurers at least to come and see us and prove the soil. I hope yt. your Lordps. will peruse these Minutes and Orders and favr. me with your advice thereon, that

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for the future, if my proceedings be anyways blamable, I may thereby avoid the like mistakes, and allways meet with your Lordps.' approbation, which shall be my constant study, *etc.* Signed, L. Armstrong. *Endorsed*, Recd. 4th, Read 5th Sept., 1734. 3 pp.<sup>o</sup> *Enclosed*,

164. i. Orders issued by Lt. Governor Armstrong, (i) 4th Jan. 1733. In pursuance of Governor Philipps' order of, by and with the advice of the Council, 10th Dec., 1730, that all quit rents, homages and services formerly paid by the inhabitants at Mines and other places up the Bay of Fundy to their respective seigniors, should then be paid to/ His Britannick Majesty *etc.* orders the Deputies of the inhabitants of the River of Annapolis Royal to require them to have in readiness all such rents *etc.* and arrears since 1731, and commit their contracts to the care of the Deputies, to be duly examined, in order to ascertain their rents *etc.* (ii) 5th Feb. 1733. A legal standard half bushel having now been made in pursuance of order of July 27th last, the Deputies are now required to bring in all the half bushels that can be found among the inhabitants of the River and to get new ones made according to the standard within 21 days *etc.* (iii) July 19, 1733. There being several complaints both from the English and French inhabitants of Annapolis Royal, the Cape, Bellair, and Rushewforshew (whose flocks and herds intermix and feed in common, that they have lost both sheep and cattle for want of overseers to inspect the said flocks and herds *etc.*, and Francis Robisheau (alias Nigan) and Claud Melanson of the Cape having undertaken that office for the publick welfare *etc.*, these are therefore (by and with the advice of H.M. Council) to give notice to every person residing in said places *etc.* that they are not to put into said flocks or herds any sheep, lambs or cattle without first acquainting one or both of said overseers with their marks, nor to take any from thence *etc.* without first applying to one or both of them *etc.* upon penalty of double the value of the beast taken, and also upon the penalty of paying for all such beasts as may be lost besides their loss of commonage, *etc.* Sixpence to be paid for each bullock or cow and 4d. for each sheep, to the overseers, who are to report any frauds discovered *etc.* (iv) 20th July, 1733. Order to George Mitchell, Deputy Surveyor of the Woods, to survey the woods and lands lying on both sides of the River of Annapolis Royal from the Gutt upwards *etc.* A guard will attend him *etc.* (v) 11th Aug. 1733. H.M. having appointed proper persons for surveying the woods and lands, and directed that places thereof should be transmitted home, *etc.*, These are to order the French inhabitants of this River (repeated verbal orders communicated to them by their



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Deputys being contemptuously neglected and despised) to plant stakes or poles at their respective boundarys fronting the river, and to appoint one or two inhabitants of such village, whereof the Surveyor is to take a plan to attend with one of the Deputys belonging to the district to inform the Surveyor more particularly of the buttings and boundings, that the same may be laid down by compass *etc.* (vi) 30th Aug., 1733. Governor's Order for the French inhabitants of the Provinces to elect Deputies on 11th Oct., the annual date fixed in Council 11th Sept., 1732 *etc.* (vii) 28th Sept., 1733. Certificate by Lt. Governor Armstrong that Alexr. Le Borgne, Sre. De Belleisle has taken the oath of allegiance. (viii) Lt. Gov. Armstrong's Order to Prudane Robisheau Sr., of the River of Annapolis Royal, for collecting H.M. rents *etc.* within the banlieu, due since 1731. 1st Dec., 1733. (ix) Similar order to John Duon for collecting the quit rents of the inhabitants of the River outside the banlieu. (x) Order by Lt. Gov. Armstrong, 8th Jan., 1734, to Reny Forest, James Girroiz, and Reny Richards to pay to Madame Bellisle one half of the usual rents of their farms, which consist of "six hogshead three bushels of wheat and thirteen fowls," and to lodge the other half in H.M. stores until further orders. (xi) Lt. Governor Armstrong's Order, 10th April, 1734, to George Mitchell, Depty. Surveyor of the Woods, to survey Mines, Pissaguit, Cobaquit, Cape Doré, Shickanecto and Chippody. (xii) Order by Lt. Armstrong, 10th April, 1734, that Mm. Forest *etc.* (v. No. x.) pay their full rents to Mme. Belleisle, it having been declared by several inhabitants that their rents are farm rents, not seigniorial rents *etc.* *The whole endorsed*, Recd. 4th Sept., 1734. 13 large pp.

164. ii. Copies of letters from Lt. Governor Armstrong to, (i) Capt. Aldridge, 15th Nov., 1732. Upon a complaint from Mr. How that he has divested him and the other Justices of the Peace and taken upon himself the entire management of civil as well as military affairs at Canso, *etc.* calls upon him, unless he can produce instructions for doing so, not to interrupt the Justices in his military capacity as Commander of the troops, "least by so doing you frighten or discourage the settling of that place; the least appearance of a civil Government being much more agreeable to inhabitants than that of a martial" *etc.* As a Member of Council, however, he is to sit as President *etc.* (ii) To the Justices at Canso. Nov. 15, 1732. *Instructs them as preceding.* (iii) To Governor Belcher, Nov. 15, 1732. *Reply to 9th Oct.* Hopes the Assembly may be prevailed upon to settle a truck house as he proposed, for the sake of the peace and welfare of both Governments. In that case he will send a detachment to secure the house and goods *etc.*

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(iv) To the Deputies of the Upper French inhabitants of the River of Annapolis Royal. Dec. 13, 1732. Reply to petition of 8th Dec. N.S., praying that the priest may be allowed to exercise his ministerial office one half of his time up the river, or that the church may be removed to the midst of the parish, for the conveniency of the ancient people and children, as, they allege, Governor Philipps promised. *Explains* that Governor made no other promise than what has always been done conformably to the 14th Article of the Treaty. As every protestant parish in Britain *etc.* has only one Congregational Church, how can they expect more? *etc.* *Continues*: Cannot consent to the church being removed without orders from home, it having been removed from up the river to the town of Annapolis Royal for several good reasons, *etc.*, being no less than a massacre continued by your former Priests, Charlemagne Fœlix at Mines and several of the people to be perpetrated by the Indians; and there are none of you but knows how barbarously some of H.M. subjects were murder'd and wounded by these infatuated, unthinking people *etc.* The priest's residence cannot be altered without similar instructions *etc.* (v) To the Bishop of Quebec. Nov. 21, 1732. Has directed M. de St. Poncy to attend the inhabitants of the River and the other priest at Passaquit. Will show them respect according to their merits, and hopes they will not prove fomentors of rebellion like some of their predecessors *etc.* *Endorsed as preceding.* 9 large pp.

164. iii. Buttings and boundings, quit rents and terms of patents granted by Lt. Governor Armstrong 23rd Nov., 1732—10th Aug., 1733. *Grants of lands to*: Charles Vane (2); Lt. John Handfeild; Rev. John Harrison; Wm. Haw Taylor; Capt. Henry Daniel; John Dyson, bombardier; John Adams; Charles King. *Same endorsement.* 8½ large pp.

164. iv. Minutes of Council of Nova Scotia, 25th Sept., 1732—10th April, 1734. *Same endorsement.* 18½ large pp.

164. v. Schedule of the seigniorial rents payable yearly by the inhabitants of Annapolis Royal, according to their grants *etc.*, with accounts of collections by Prudane Robisheaux and John Duon *etc.* *Same endorsement.* 26 pp. [C.O. 217, 7. ff. 51–52 v., 54–65 v., 67–71 v., 73–82, 83 v., 85–97 v.]

May 10.  
Annapolis  
Royall.

165. Lt. Governor Armstrong to the Duke of Newcastle. Duplicate of preceding letter, *mutatis mutandis.* *Signed,* L. Armstrong. 3 pp. *Enclosed,*

165. i.–v. Duplicates of Nos. i.–v. encl. preceding. [C.O. 217, 39. ff. 67–68, 70–79 v., 83–87, 89–95, 97–101, 102 v.–115.]



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May 11.  
Portsmouth,  
New Hampshire

**166.** Col. Dunbar to Mr. Popple. *Abstract.* Very many letters have passed between him, his deputies and Mr. Shirley, Advocate General at Boston, to whom he is chiefly obliged for persuading the Deputy Judge here to decree that 383,000 feet of white pine boards cut out of condemned logs remained the property of the King. Had, indeed, hoped for more than twice as much. "It is very shocking to me to know that the boards *etc.* decreed to H.M. are now every day carrying away, and that I have no power to prevent them, as per the Advocate Genll.'s opinion, *etc.* I humbly hope a particular resentment. will be shewn to the town of Exeter, who are but a nest of thieves, not to be restrained by ordinary laws, and that this Province will escape any weight of such resentment, for generally speaking the people express great abhorrence of the late tumult, and are dutifully inclined to His Majesty *etc.* I think that if Mr. Belcher was as hearty as he pretends, the rioters might not only be discovered, but that ye King's officers might attend their duty without insult or danger; if the expedients are approved, wch. I have now proposed to ye Lords Comrs. of the Treasury, it may for the future prevent such publique outrages" *etc.* *Requests* the Board's favour in recommending him to be otherwise disposed of, and to any part of H.M. Dominions, "for it is impossible I can be easy or of use here durement Mr. Belcher's administration, no man that knows him will give any credit to him, and he is now fishing for any matter of complaint against me" *etc.* *Signed,* David Dunbar. *Endorsed,* Recd. July 9th, Read Nov. 27th, 1734. *Holograph.* 2 pp. *Enclosed,*

166. i. Mr. Shirley to Col. Dunbar. Boston, May 6, 1734. Gives opinion on the Exeter riot and proceedings upon it. *Signed,* Wm. Shirley. *Endorsed as preceding.* *Copy.* 3 pp.

166. ii. Depositions of James Pitman, Henry Marshall, Robert Gallaway, Joseph Cross, Walter Alston, William Stiggins, William Jarrat, Negro Peter, Benjamin Dockum, and Joseph Miller, as to the conspiracy and riot at Exeter, April 24, 1734. *Copy.* 4 pp.

166. iii. Col. Dunbar to Col. John Gillman at Exeter, April 23, 1734. [*C.O.* 5, 876. ff. 129, 129v, 130, 132, 132v, 133-5, 136, 137.

May 11.  
Jamaica,  
Spanish Town.

**167.** Major Ayscough, President of the Council of Jamaica, to the Council of Trade and Plantations. The security of the Island, against the rebellious negroes, being upon my coming into the Government the first object of my care, I ordered a party of two hundred men, with the utmost dispatch, to be fitted out, under the command of Capt. Swarton, a gentleman of an estate in St. Thomas's in the East; his officers were gentlemen's sons, volunteers, and also another party of the like force from Port Antonio, Capt. Swarton marched the 20th of April last, and having cut a road through the woods, the seventh day about eight a clock in the morning, they attackt the rebels, in their chief town, and beat them out, which consisted of one hundred

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and twenty seven huts, and at the most could not hold four hundred men, women, and children ; (in this town is supposed to be the body of the rebellious slaves) of which as near as they cou'd guess were one hundred shot, after they were beat out of their town, they retired behind trees and bushes and fought our men, for five days, killed eight of them, and wounded thirteen ; our party killed a great many of the rebels, and amongst them one of their head captains ; a list of the arms and other things taken out of their town, I send inclosed to your Lordships. This is a rout that never was taken before, and is now made so good a road to the negro town, that the partys may march to it, in a day and a half ; and had not the excessive rains, which brought the rivers down, prevented the Port Antonio party, from coming to Captain Swarton's assistance, with a supply of ammunition and other necessarys, shou'd have taken or killed most of them, but for want of which, Capt. Swarton was obliged to retire. The Assembly met on Tuesday last, and have come to a resolution, to send out two partys more in a fortnight, or three weeks ; the gentlemen here all offer their services to go, and I don't doubt but on the return of the next partys, to give your Lordships a much better account. Inclosed I send your Lordships my Speech to the Assembly, and also their Address, I thought it my duty to lay this before you, and have the honour to subscribe myself with the greatest esteem, *etc.* Signed, J. Ayscough. *Endorsed, Recd., Read 24th July, 1734. 1 $\frac{3}{4}$  pp. Enclosed,*

167. i. List of arms captured in the Negro town. Bills, poles, kettles *etc.*, 20 muskeats, 12 lb. gunpowder, 18 guns, bullets, powder horns *etc.*  $\frac{1}{2}$  p.
167. ii. President Ayscough's Speech to the Council and Assembly of Jamaica. By the death of the late Governor, Major General Hunter the several powers, and authoritys to him granted by H.M. Commission, are now devolved on me, which trust I shall endeavour to discharge with the utmost fidelity to my sovereign, and the good and welfare of this island. From the present exigency of our affairs, I think it incumbent on me to take the first opportunity to consult on proper measures for our further relief and security, and your meeting is become the more necessary, from my having received last night, an express that Captain Swarton with his party from windward, had attackt the rebels in their town, and kept it in possession for some days, but for want of a supply of ammunition, and a reinforcement, from the party from Port Antonio, was obliged to quit it and is gone back with his men to Morant. The resolutions that were taken at the late Council of War, for the raising of partys to reduce the rebellious negroes, I have endeavoured to put in execution, but the defect of the Militia Act, and the want of sufficient powers, in the several party laws, to compell the inhabitants of this Island, to do their duty, in this publick service, have not only retarded, but in a great measure defeated



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the intended expedition, very few of the parishes having sent their quote's of men, and those ill provided with arms and proper necessarys. I must therefore recommend to you the making of such a law, as will render the militia more usefull. Gentlemen of the Assembly, I have ordered the accounts of the present expedition to be laid before you *etc.* *Endorsed as covering letter. Copy. 1½ pp.*

167. iii. Address of Assembly to Major Ayscough. Thanks for his Speech and welcome his administration after their former experience of it *etc.* Major Ayscough returned thanks. *Same endorsement. Copy. 1 p.* [C.O. 137, 21. ff. 81-83, 84, 85 v.-86 v., 87 v.]

May 11.  
Jamaica,  
Spanish Town.

**168.** President Ayscough to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis. Signed, J. Ayscough. Endorsed, R. 24th July. 2¾ pp. Enclosed.*

168. i.-iii. Duplicates of encl. i.-iii. preceding. [C.O. 137, 55. ff. 47-49, 50, 51, 53.]

May 14.  
Whitehall.

**169.** Mr. Popple to Peter Leheup. The Lords of the Committee having directed my Lords Commissioners for Trade and Plantations to enquire what money has been charged and rais'd on the inhabitants of Barbados and the Leewd. Islands for the repairs of the fortifications or other defence of the said Islands and to what uses the said money has been applied; I am commanded to desire, you will furnish my Lords Commrs. with extracts from the accounts in the Auditor's Office, of any money that has either been rais'd for, or applied to the purposes aforesaid, so far back as your accounts go. [C.O. 29, 15. p. 435.]

May 15.  
Council Office.

**170.** Mr. Sharpe to Mr. Couraud. In answer to your letter of last night, I am to inform you that there has been no meeting of the Committee of Council at this Office upon Plantation Affairs since the 18th of last month, when my Lord Duke of Newcastle was present. Their Lordps. had then under their consideration an application for stores for Barbados and the Leeward Islands, and enclosed are copys of the orders of the Committee sent thereupon to the Lords Commissrs. for Trade, as likewise to the Board of Ordnance. No report hath been yet made by the said Lords Commrs. to these orders, but the Ordnance have made a return *etc. Copy enclosed.* As to what you mention of a representation of the merchants, which you suppose relates to Jamaica, I don't know of any such in this Office, except what relates to an Act lately passed laying a duty on negroes. If you think His Grace would have a copy of this, it shall be transcribed *etc. Signed, W. Sharpe. 2¾ pp. [C.O. 5, 36. ff. 32, 33.]*

[May 16.]  
Tower Hill.

**171.** Mr. Harris to Mr. Popple. Sr, Sometime since I sent you an extract of a letter from Jama. (v. April 26) on the same melancholy subject as two of ye like kind here inclosed, to wch. I shall only add that if either French or Spaniards openly or secretly go on in assisting these rebellious negroes the said

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island will soon belong to one or the other of them. Perhaps this hint may be also disagreeable, as it comes from one so out of fashion as myself, but as I judge these notices from what way so ever they come may be proper to be laid before your honble. Board I therefore trouble you therewith and am wth. very much respect. *Signed*, Rd. Harris. *Endorsed*, Recd. 17th, Read 22nd May, 1734.  $\frac{3}{4}$  p. *Enclosed*,

171. i. (a) Extract of a letter from Jamaica dated the 18th March, 173 $\frac{3}{4}$ . "The rebellious negroes openly appear in arms and are daily increasing, they have already taken possession of three plantations within 8 miles of Port Antonio by which means they cutt off any communication between that harbour by land. They have also attacked a place called the Breast Work where several men armed were lodged to cover the workmen."

(b) Extract of a letter from Jamaica dated the 23rd March, 173 $\frac{3}{4}$ . "I must acquaint you that according to the best account and information I am able to get, the rebels do certainly increase, and upon the success they have met with in defeating our parties are grown very insolent and audacious, insomuch that there is too much reason to fear a generall defection. In which case we shall be in the utmost danger if some assistance be not speedily sent over." 1 p. [*C.O.* 137, 21. ff. 56, 57, 58 v.]

May 18. **172.** President Ayscough to the Duke of Newcastle.  
Spanish Town. Duplicate of 11th May, No. 168. *Endorsed*, R. 20th July.  
*Enclosed*,

172. i.—iii. Duplicates of May 11th, encl. i.—iii. [*C.O.* 137, 55. ff. 54, 54 v., 55 v., 56, 57, 58, 60.]

May 22.  
London.

**173.** Mr. Coope to Mr. Popple. I have recd. your letter of the 24th April last, signifying that my Lords Commissioners for Trade and Plantations desire me as Agent for St. Christophers, to give them what information I can, relating to various matters which concern that Island. In pursuance therof I beg leave to represent that the fortifications there are in a very weak condition, and the magazine (tho' supply'd with some stores of war about 2 years agoe) not sufficiently furnished for their defence, in case of any invasion; and notwithstanding the great taxes which have been so often raised for putting the Island in a state of defence, yet the works necessary therto are so many and extensive, that they have not been able to perfect ye same; the state of this Island in respect to its defence, is particularly described in the last Act passed there in 173 $\frac{3}{4}$  for raising taxes for repairing and perfecting the fortifications etc. and for erecting new ones. It may be necessary on this head to remark, that they have not sufficient barracks for shelter even from the inclemency of the weather, and that the 3 companys of soldiers (being the quota for that Island) are not (as I inform'd) 70 effective men and that they, as well as the rest of the regiment upon the other Leeward Islands, are supply'd with powder, ball etc. out of the small



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magazines there. And as the number of white men, able to bear arms, are but about 1100, and the increase therof must be a business of time, it is hoped that their Lordships will be of opinion, that the recruits for that Regiment, which are prayed for in the Memorial, presented to them the 10th of April last by Mr. Yeaman and myself, ought to be ordered as one of the imediate helps for their safety. But tho' the number of white men are so small, yet if well arm'd, disciplined, and encouraged they might be of great use, and therefore I further humbly propose, that their Lordships may represent to H.M., that he will be pleased to allow pay or bounty to the Militia, when on actual service, and have leave to roll with the regular troops there, on any invasion or expedition. As to the stores of war which are particularly wanted in this Island, I am not able to mention, being only instructed by His Excellency Governor Mathew, to petition for military stores as absolutely necessary for all the Islands under his government, and accordingly Mr. Yeaman and myself pray'd for the same in the sd. Memorial which set forth ye particular stores which are wanted for the security of the whole, and I humbly apprehend that nothing can better conduce (in the present scituation of affairs) to the common safety of all the Islands, than sending the stores desired for the whole to Antigua, from whence as being the most windward Island, supplys can be more easily and sooner sent to the other Islands, as occasion may require, and which I humbly presume will have its weight with their Lordships, and produce a suitable representation from them to H.M. for the dispatch of such a necessary supply. Before I take notice of other parts of your letter, I can't but represent, that the low condition of the planters' estates of late, and the smallness of their number has disabled them from putting the fortifications and works into a proper state of defence, tho' I apprehend they have done their utmost, and hope that the relief given them by the last Act of Parliament, will encourage and enable them to prepare, what is incumbent on their parts, for a better defence ; but all inland defences, and stores sent to supply them, will prove ineffectuall for their security, without a sufficient naval force. And I should be wanting in my duty (tho' not my imediate provence) if I did not mention, that the French at Martinico and Guardaloape are daily watching the news of a war to plunder and destroy the Leeward Islands before any help can be sent from hence ; and that Nevis and Monserat in their present want of arms etc. may be insulted by 3 or 4 privateers, to prevent which, Governor Mathews designed them a small supply for the present from St. Christophers. As to the causes of the decrease of white men, and which have occasioned the removal of the poorer inhabitants, (the chief strength), to other places of greater security or profit, I apprehend to be these. (vizt.) The discouragment they have laboured under by great dutys and taxes to the King, the Governors, and for the imediate service of the Island, the little mony the produce therof has of late years yielded, the non-observance of the laws which oblige possessors of estates to keep numbers of white servants in proportion,

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to their number of negroes, the imploy of negroes instead of white men in trades, and the late sale of the French lands which has put them into fewer hands. As to the encouragement that is wanting to induce new settlers, I know of none but profit, ease, protection and security, and the removal of the causes above specified for their decrease. As to what laws have been passed for raising of mony for repairs of fortifications, for establishing a militia or other defence of that Island etc., I can only refer you to your own office, where such acts and all others relating to this Island are deposited; but I have wrote over to Governor Mathews to inform me what mony has been actually raised, how much mony has been applyed, which I shall communicate to their Lordships, as soon as I receive the acct. This is all the satisfaction I am at present able to give their Lordships upon the several points mentioned in your letter. *Signed*, Ri. Coope. *Endorsed*, Recd. 4th, Read 30th May, 1734. 3 pp. [C.O. 152, 20. ff. 85-86 v.]

May 22.  
Whitehall.

**174.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* Representation from Council and Assembly of Jamaica, and concurrent advices from Mr. Harris *etc.* *Continue*: The late successes these rebellious negroes have had against the parties sent out to reduce them, the additional encouragement they have received from the desertion of many negroes from several plantations and the supplies they have got of arms and amunition has so far animated them that they have lately attack'd a breast work raised for the defence of workmen employed in building a fortified barrack intended to streighten their quarters and prevent their incursions; and it appears to us that without some speedy assistance from hence it will be impossible for the people of Jamaica to defend themselves. Altho' these misfortunes are in great measure owing to the obstinacy and negligence of the inhabitants, and do bring a heavy charge upon Great Britain, yet we apprehend this island to be of too great consequence to the trade and interest of this kingdom to be neglected; and therefore we desire your Grace will be pleased to move His Majesty, that a compleat regiment well armed may be immediately sent thither for their protection. [C.O. 138, 17. pp. 401, 402.] *Autograph signatures*. 2 pp. *Enclosed*,

174. i. Copy of Representation of Council and Assembly of Jamaica, *supra*.

174. ii. Extracts from letters from Jamaica, 18th and 23rd March, *supra*. [C.O. 137, 47. ff. 225, 225 v., 228-232 v.]

[May 23.]

**175.** Capt. John Tomlinson to the Council of Trade and Plantations. *Abstract*. After the Board had proposed Theodore Atkinson and Benning Wentworth for the Council of New Hampshire (Dec. 1732), Gov. Belcher's Agents petitioned against the former. But after hearing both sides, it fully appeared that he was the most fit and proper person in the Province. Memorialist then sent the mandamuses for these two by a ship which arrived



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"at the dead time of the severest winter they ever had." As the President of the Council was then on the spot, and Governor Belcher daily expected as soon as the weather should be fit, they did not apprehend that it would be expected that they should take a journey of seventy miles, at such a severe and hazardous season, but they did not omit paying their respects to the President. But Governor Belcher, not thinking that sufficient, wrote to the President, not to admit them into the Council, and upon coming into the Province refused to swear them, when they waited upon him. In December last, they heard that he designed, after they were chosen into the Assembly, to call them up to the Council, and then immediately to suspend them. Upon this Mr. Atkinson wrote to Governor Belcher, Dec. 10, asking his intentions, since he apprehended that the town of Newcastle (whom he had long represented) would again chose him, and he should think it would be abusing them by depriving them of a Representative for at least one sessions, and that he should govern himself according to his Excellency's answer. But not having any answer, he was again chose by Newcastle. On 1st Sept., when the Assembly met, Governor Belcher sent for him to the Council Board, and told him he was ready to admit him to the Council. Mr. Atkinson replied that as he had had no answer to his letter he had been elected for Newcastle, and that to leave it unrepresented would be a great injustice. He therefore prayed to be excused. A few days afterwards the Assembly was dissolved, when Mr. Atkinson made a motion to H. E. in Council, that as the reasons of his refusing to be admitted into Council were removed, he was ready to take the oaths, which Governor Belcher refused him. Mr. Atkinson and Mr. Wentworth are well assured that Governor Belcher's only ground for objecting to them is that they were friends of Governor Burnet, and are friends of Lt. Gov. Dunbar *etc.* *Prays the Board* on their behalf to order their immediate admission to the Council. *Signed*, John Thomlinson. *Endorsed*, Reed., Read 3rd May, 1734. 1 $\frac{3}{4}$  pp. [C.O. 5, 876. ff. 30, 33 v.]

May 23.

**176.** *Same to same.* Prays for the Board's favourable report upon the dispute between Governor Belcher and Lt. Gov. Dunbar. Governor Belcher, whether he be absent or present in the Province, deprives the Lt. Governor of all power, authority, salary, and perquisites, *etc.* *Signed and endorsed as preceding.* 3 pp. [C.O. 5, 876. ff. 31-32 v.]

May 23.  
Whitehall.

**177.** Council of Trade and Plantations to Governor Hunter. Since our letter to you of 13th Sept., 1732, we have had under our consideration at different times your several letters *etc.* of 20th Sept. and 18th Nov., 1732, 13th Jan. and 27th March, 5th May, 4th and 29th June, 7th and 26th July, 18th, 22nd and 25th Aug., 8th Sept., 13th Oct., 11th Nov., 24th and 29th Dec., 1733, as likewise a letter from the Council dated the 17th Aug., 1733. We thank you for the accounts you have given us from time to time of the measures you have taken relating to the

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affairs of your Government, particularly against the negroes in rebellion, but are concerned the Assembly of Jamaica have had so little regard for their own welfare and safety as not to have made more effectual provision in time for reducing them. The ill consequence of lessening your parties against them, to which the low state of your Treasury some time ago obliged you, we observe was soon apparent ; and we are sorry after all the efforts used to subdue them that by letters very lately received, we have been informed the rebels continue to increase in strength by desertion from several plantations, and are grown very insolent upon the success they have met with. The state of this unhappy affair we have transmitted to one of H.M. Principal Secretaries of State in order to be laid before H.M. for his directions there-upon ; and in the mean time we doubt not of your care and vigilance in doing what is possible for the protection of H.M. subjects under your Government notwithstanding they have greatly neglected themselves and we hope you may meet with better success. His Grace the Duke of Newcastle we presume will send you H.M. Orders if you have not already received them relating to the insult you mention to have been committed at Port Morant by direction of the Governor of St. Jago de Cuba. But it would have been very proper for you to have sent an account of that affair to us likewise as you are directed to do by your Instructions ; Upon this occasion we would hope the disposition and preparations of your neighbours for annoying the British settlements and trade in those parts in case of a rupture and the progress which we are sorry to find the slaves in rebellion have made even against so great a party as was sent against them with the assistance of a number of seamen from H.M. ships will awaken the people of Jamaica to a livelier sense of their danger, who are much to be blamed for not making their Militia usefull for their protection and will feel the ill effects of it, as we conclude they have already in some measure done by their begining to accord to what you have proposed for a defencible barrack or fort between Port Antonio and the rebel haunts. We shall be glad to hear this barrack is finished and that it has the desired success in streightning the negroes' quarters, and preventing their incursions in the plantations ; It were likewise to be wished that several more might be built in proper places for the like purpose ; so soon as you shall by experience have found this to be beneficial to you. In our opinion it behoves the people to consider their own interest before it be too late and out of their power to avoid the impending evil : for whatever retards the compleating that work, whether the want of men, mony or proper disposition in the inhabitants, the consequence of the neglect will be equally fatal to them. We have great satisfaction however in hearing from you that the works at Port Antonio are in so good a way, a prospect of security being one of the strongest inducements to ingage people to settle with you, and when your enemies are persuaded that you are in condition to defend your selves they will not be so easily inclined to attack you. We apprehend you may do well in augmenting the Horse Militia because the Foot



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consisting chiefly of hired servants and free negroes have not the same obligations of honour or interest as those who compose that corps. But you must be the best judge which of the two will be of most service for the defence and security of the Island. We should be glad to know what experience you have had of the free negroes who by the act of 1732 for better settling the North East part of the Island were allowed fifty acres of land with utensils etc. ; And whether they have shewn a proper concern for the security of the Island during these late trials. The rebel black spy's examination demonstrates the necessity of falling into effectual measures without loss of time to prevent further desertions. But with respect to reduction of those already gone, since your parties have had so bad success, we cannot conceive why the people of Jamaica have not all this while thought of reconciling themselves to the Mosketto Indians. They would sure be the properest people to be employed in the reduction of the blacks. By the accounts which this Board has from Sir Nicholas Lawes in 1720, the Council and Assembly of Jamaica were of the same opinion, as appears by an agreement which Sir Nicholas then made by their advice and resolution with the King of the Musquito Indians, who sent fifty of his subjects with proper Commanders, and we presume they had at that time the desired success. This he said the Council and Assembly thought a better and cheaper expedient than sending out parties ; And therefore why should not the old correspondence and confidence be renewed by all ways possible with those Musquito Indians who with the knowledge now gained and the assistance of what the country can do in support of them would be likelyest totally to extirpate these settlements. It would likewise behove the Island to be more in earnest and to give greater encouragement for the settling of white people amongst them ; and we are sorry to observe that the several acts passed and approved here for settling the North East quarter have produced no advantage to the publick what ever they may have done to private persons. As the want of a number of white people in Jamaica proportioned to the number of blacks or other slaves there has apparently been the chief occasion of these misfortunes ; we are surprised to find when the Island seems never to have been in greater want of white men, that by the last acts passed there to *provide a certain number of white people etc.*, and several other temporary acts of late years, one white person to every thirty slaves or 150 horses or cattle, is allowed to excuse a deficiency and even that to be commuted by paying six pounds ten shillings quarterly, except the absentees who are charged with a deficiency for want of a white person to every twenty slaves or 100 horses or cattle etc. ; Whereas by former acts, particularly one passed in 1703, to *encourage the importation of white men*, suspended from time to time by the forementioned temporary laws, every master of slaves is required to have one white man for the first ten slaves, two white men for the first twenty, and one white man for every twenty slaves after the first. Amongst other means which may be conducive to the improvement and security of the island we are of opinion the

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utmost endeavours should be used that the encouragements for the importation of white servants should be renewed and increased and the shifts and evasions prevented, whereby large tracts of land have hitherto been left uncultivated and people have been hindered from settling thereon. A further encouragement to white servants would be to prohibit the blacks in any handicraft trades for the future, except coopers to be employed only in their masters' plantations to take a list of the negroes which may be at present so instructed, and to enact severe penalties on those who may hereafter teach such trade to any negro or for any negro to follow the same themselves unless they be free. The Act passed many years ago (but since repealed by an act of 1703) *encouraging the importation of white servants* prohibited the employing of any negro in the business of a cooper or a porter, except that masters of sugar works might use them in making casks at their plantations. Such a provision seems necessary to be renewed and it would contribute to the better strengthening the island if a portion of land were allotted to every white servt. at the expiration of their indented time. Mr. Gordon has been some time ago recommended to H.M. by us according to your desire to supply a vacancy in the Council of Jamaica, with which you will no doubt have been acquainted before this comes to your hands, as likewise with Mr. Hals and Mr. Temple Lawes being recommended to supply vacancies *etc.* As to what you mention in yours of the 4th of June last relating to the Assemblie's creating difficulties which have obstructed the making provision for the safety of the Island and their attempts to rest the Executive Power out of the hands of the Governor as mentioned in several other of your letters and in that to us from the Council; it is a piece of conduct neither prudent at this time nor justifiable at any other; what they call their inherent rights being of a very late date and depending upon the Royal Commission and Instructions for your Government, to which the Assembly of Jamaica have too frequently as on this occasion shewn but very little regard. P.S. Since writing the above letter we have received yours of the 11th March, 173 $\frac{3}{4}$  with a Representation from the Council and Assembly to this Board containing an account of the great danger they apprehend themselves to be in from the incursions of the rebellious negroes; and we cannot help thinking that their misfortunes are in great measure owing to their own conduct, yet immediately upon receipt of that letter we transmitted a copy of their representation to the Duke of Newcastle, and have desired his Grace to move H.M. to send a compleat regiment well armed without loss of time for their defence. And as we have reason to hope from H.M. great goodness, as well as from his Grace's zeal for the prosperity of the Plantations, that this request will be complied with, we give you notice thereof that better preparation may be made for the reception of the regiment than there was for the two that were last sent you, which the Island might have kept to this time if they had pleased, and have saved this unnecessary trouble: But notwithstanding this relief we recommend to you once more by all possible means



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to engage the Musquito Indians to hunt these negroes in the woods and mountains, it being impossible for regular troops to do that service. [C.O. 138, 17. pp. 403-413.]

May 23.  
St. James's.

**178.** H.M. Warrant appointing James Wright Clerk of the pleas and estreats of the Court of Exchequer, S. Carolina. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 50. pp. 100, 101.]

May 24.  
Virginia.

**179.** Lt. Governor Gooch to the Council of Trade and Plantations, my Lords, in obedience to your Lordships' commands for sending annually the best and most particular account I can of the laws made, manufactures sett up, and trade carried on in this Colony, which anyway affect the trade, manufactures or navigation of Great Britain, I humbly take leave to represent to your Lordships, that I know no law subsisting in this Government, which can in any sense be said to affect the British trade. There is an Act of Assembly in May 1730 to encourage the making of linnen cloth, but as the execution of it was suspended until approved by H.M., I presume your Lordships laid it aside; for I only consented to it to please some of the burgesses in the same session the tobacco law was made, and, whatever is become of it, will be no uneasiness to the country. As to manufactures, we have at York Town, on York River one poor potter's work for earthen ware, which is so very inconsiderable, that there has been little less of that commodity imported since it was erected, than there was before. There are four iron works in this Colony, but these being employed in running pig iron only, which is sent to Great Britain to be forged, it is thought they are rather beneficial to the trade, than inconsistent with its interest. At one of these furnaces they last year runn some oar of a different shape, for ballast iron; which upon being sent home, by order of the Commissioners of the Customs, was seized in London, but upon trial, the owners proving that it was only runn, no way manufactured, it was cleared. Forges for making barr iron have been long talked of, and one is now built: they have not yett begun to work, nor do they intend to manufacture any iron to send abroad. At these furnaces they make potts, backs and andirons for fire places, which as the people call for them, they fall into. There is one air furnace, where they make all sorts of things: it has cost the owner a good deal of money. Many attempts have lately been made towards the discovery of copper, tinn and lead mines, and there are shafts opened with indications of veins of those metals, but as yett with little success, tho' a great expence: the lead mine has been found since my last to yr. Lordships. upon this subject. As to trade, upon the strictest inquiry I can make, I can find none carried on to or from this Dominion, but with Great Britain, the British Islands in the West Indies, and the Island of Madeira: our exports for Great Britain are all the labour of the inhabitants and their negroes on tobacco, pitch and tarr, and such skins and furs as are purchased of the Indians, and

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our imports from thence are all sorts of goods and necessaries for the people. To the West Indies we send Indian corn, pork and candles made of myrtle wax and lumber, and in return we receive rum and molasses. To the Madeira there is a pretty large export of wheat, Indian corn, pease and wax, and from thence we are supplied with wine. *Signed*, William Gooch. *Endorsed*, Recd. 24th July, 1734, Read 13th Aug., 1735. 1 $\frac{2}{3}$  pp. [C.O. 5, 1323. ff. 120, 120 v., 123 v.]

May 24.  
Virginia.

**180.** *Same to same.* Being very sensible how great prejudice it is to H.M. interest as well as to this Colony, that the seating the lands on the western side the Great Mountains is so long obstructed, I cannot forbear applying to your Lordships with my most earnest request that you will be pleased to press for a speedy determination of the dispute with Lord Fairfax, concerning the bounds of the Northern Neck. And that your Lordships may be satisfied how much H.M. Revenue suffers by keeping up the unreasonable pretensions of extending the grant of that Neck beyond its just bounds, I beg leave to inclose (No. i.) the copy of a Petition delivered me in Council from several gentlemen for a large tract of land upon the dividing line between Maryland and Pensilvania, and on the western limits of the latter Province. As the Proprietors neither of the one Province nor the other can lay any claim to the land mentioned in the Petition, I presume neither of them will insist that their caveats ought to retard the granting it by this Government to which it properly belongs : so that 'tis only Lord Fairfax's caveat depending before your Lordships, which obliges me to delay complying with the request of these Petitioners, and refusing so considerable an increase of H.M. Revenue as they have offered to lay down. The copy of another Petition which I have inclosed (No. ii.) will I hope demonstrate to your Lordships how soon that part of Virginia on the other side the great mountains may be peopled, if proper encouragements for that purpose were given : most of these petitioners are Germans and Swissers lately come into Pensilvania, where being disappointed of the quantity of land they expected as well for themselves as for a more considerable number of their friends and countrymen, who designed to follow them, have chosen to fix their habitations in this uninhabited part of Virginia, and as there are many of H.M. natural born subjects in the northern Provinces very desirous to remove to the same place, I am inclined to hope your Lordships will judge it good policy to cherish this disposition in them, the security of this and the Province of Maryland depending upon it ; for by this means a strong barrier will be settled between us and the French ; and not only so, but if by encouraging more foreigners to come hither, we can only gett the possession of the Lakes, which are not very far distant, we shall be then able to cutt off all communication between Cannada and Messissippi, and thereby so much weaken the power of the Franch as to have little to fear from that quarter hereafter. Your Lordships will pardon me if



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I say such a design can never be more reasonably put in execution than now, when the situation of affairs in Europe seems to tend to a speedy rupture with that nation: and therefore I hope your Lordships will use your good offices with H.M. to obtain the encouragements desired, for which I shall impatiently wait your Lordships' commands, because I think no time should be lost to accomplish an affair of so great consequence *etc.* *Signed*, William Gooch. *Endorsed as preceding.* 1 $\frac{3}{4}$  pp. *Enclosed*,

180. i. Petition of Vincent Peirce, William Allen and Charles Chiswell, in behalf of themselves and others, to Lt. Govr. Gooch. Petitioners have assurance of a great number of family's of Protestants who are desirous to come and inhabit within this Colony on unpatented lands on the west side of the River Cahongaarota. Petitioners are willing to promote such a settlement on the frontiers, and to support such strangers, until they can provide for themselves *etc.* *Pray* for grant of 60,000 acres west of said river, "bounding to the northward on the east and west line the boundary to the southward of the Proprietors of Pensilvania" *etc.*, for which they are ready to pay £300 sterl. *Endorsed*, Recd. 24th July, 1735. 1 p.

180. ii. Petition of several "inhabitants on the north west side of the Blue Mountains in this Colony" to Lt. Gov. Gooch. Petitioners, with many more of H.M. subjects, have remov'd themselves and families from several Provinces and Plantations in America with intent to settle themselves on the unpatented and uncultivated lands in that part of this Colony and have bin at very great charge in so doing. Petitioners notwithstanding the fertility of the soil find themselves under very great difficulties through the remote scituation of their lands from water carriage and the inconveniences of making roads through the woods and over that chain of mountains which have bin hitherto reckoned unpassable. Nevertheless they are well assured that many people, as well foreign Protestants as H.M. natural born subjects, wou'd upon proper encouragement be willing to associate with them whereby in a few years a strong barrierr wou'd be form'd against the incursions of the savage Indians as well as the encroachments of the neighbouring nations. *Therefore pray* H.E. to represent their case to H.M. with their humble request for a remission of quit rents and all taxes for a term not exceeding 12 years *etc.* *Pray* H.E. to provide for their exemption from the ordinary jurisdiction of the neighbouring County Courts, to which they cannot repair without great hazard and trouble, and to establish a magistracy amongst them *etc.* *Signed by* Seventy Masters of Familys. *Endorsed*, Recd. 24th July, 1735. 1 large p. [C.O. 5, 1323. ff. 121, 121 v., 122 v., 126, 127, 127 v., 130 v.]

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May 24.

Charles Town.

**181.** Governor Johnson to Mr. Popple. I have the favour of yours by Mr. Hall, who arrived 4 or 5 days ago, and had the misfortune to be 18 weeks on his passage, so that I fear the hemp seed is come too late to sowe, but I hope we may get seed from it for the next year, for seed of two years old will not grow. As to the Ordinance I find my enemys let nothing slip that they think can throw any reflection on me, what has been reported to the Board of Ordinance is false, I enclose the Armourer and Gunner's report concerning it, given before the Notary Publick, and attested by him. I am sure the Ordinance ever since it was landed here, has been taken the same care of, as is taken in H.M. Yards in England. The Assembly this sessions among other provisions for the current year have provided in the tax £3000 currency for mounting for aforesaid Ordinance, which considering our poor circumstances, and large tax for the current year amounting in the whole to £41,511 is a great point gain'd. As to the petitions of London and Bristol merchants relating to the act passed in 1696 *for the better settlement of South Carolina*, I don't find but it is very indifferent to the Province if it subsists or not; but as to the Appropriation Act, the General Assembly hearing of the said petition, have in an humble Memorial and Representation to H.M. set the facts in a true light, together with their reasons, but know not if they will arrive time enough, being sent from hence but about 14 days ago. We must therefore waite H.M. pleasure thereupon; all I shall say is that most of the merchants here think their friends are prejudicing themselves, by endeavouring to have that law disannul'd, and that they have been very unadvisedly drawn into such applications by people who had private views in the repeal of that law, and it will be very difficult to obtain the sum of £104,000 appropriated, to be paid by negro duty by that law, to be levied upon lands and negros only, for it is thought to be more than the country can bare in their present circumstances, when there is a likelihood of their annual charges being increased, much less make other provision for subsisting of new comers, which hitherto by the assistance of that law, they have readily done, as well for Georgia as those who come here to a great amount, the account of which and all disbursments of the publick is getting ready to be sent to their Lordps. It is above 3 months ago that the Journals of the Upper and Lower House and Minutes of Council were sent, which compleated the whole from my coming here to the end of the last Assembly, the acts passed were sent at the same time to their Lordships. I enclose to be laid before their Lordships the proceedings of the Council in relation to the dismissing Dr. Cooper from being an Assistant Judge and this I do agreeable to my 48th Instruction, altho' I do apprehend it does not strictly relate to officers appointed by a law of this Province, and a place of no proffit, but meerly honorary. I hope their Lordships will be of opinion that so gross an insult as taking away of letters directed on His Majesty's service to the Clerk of the Council, justifies the Council's proceedings against him; If those letters had appeared, they would have discovered a scene of iniquity



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and confederacy in him and others, in aranging people of their lands and amusing the poor people of Port Royal to favour their projects, his insolence upon other occasions to the Governmt. has been very great. I will hasten the sending over the laws passed this Sessions as soon as possible. *Signed*, Robt. Johnson. *Endorsed*, 23rd July, 1734, Read 28th Aug., 1735. 2 $\frac{2}{3}$  pp. *Enclosed*,

181. i. Deposition of Thomas Lloyd, gunner and armourer of Charles Town, 21st May, 1734. The stores of war sent from Great Britain in 1731 have been taken proper care of. *Signed*, Thomas Lloyd. *Endorsed as preceding*. *Seal*. 1 $\frac{1}{4}$  pp. [C.O. 5, 364. ff. 231-233 v.]

May 26.  
Antigua.

**182.** Governor Mathew to Mr. Popple. *Has sent* box of public papers to Mr. Breholt, "to have safe delivered to you, which with the enclosed I pray, Sir, you will lay before their Lordships. As I have never had the favour of one from you since I left England, I have none to answer" etc. *Signed*, William Mathew. *Endorsed*, Recd. 16th July, 1734, Read 25th July, 1735. *Holograph*. 1 p. *Enclosed*,

182. i. *Same* to the Council of Trade and Plantations. Antigua. 26th May, 1734. *Encloses* duplicates of public papers sent formerly and four acts of Antigua, (i) *for the further continuance of John Yeamans as Agent*; (ii) *for repairing the cisterns, finishing the storehouse, and repairing the platform for the guns on Monk's Hill*; (iii) *for raising a tax for paying public debts and charge, and particularly applying the said tax*; (iv) *for further regulating the militia*. Also, Minutes of Council of Antigua, 21st Jan., 1733-8th April, 1734, and Minutes of Council in Assembly of Nevis, 8th March, 1733-6th March, 1734. *Signed and endorsed as preceding*. *Holograph*. 1 p.

182. ii. Duplicate of Mathew to Popple. April 18. [C.O. 152, 21. ff. 82, 83, 85, 85 v.]

May 27.  
Pall Mall.

**183.** Mr. Yeamans to Mr. Popple. *Replies* to enquiry of April 24th, as to stores of war needed for Antigua and laws passed there since 1702 for raising money for the fortification and defence of the Island etc. *Continues*: By the acts enumerated their Lordships will perceive that great sums of mony (*v. enclosure*) have been rais'd on the inhabitants, and principally applied to the defense thereof in the repair of the fortifications, and other necessary works. But it does not appear that any of the said sums have been applied towards furnishing the said fortifications with ordnance and other stores, the same having been constantly sent from hence by the Crown etc. From a consideration of the inability of the inhabitants in the present sinking condition of the said Colonies and of the duties they both here and abroad, heavier than the trade is at present able to bear, *hopes* their Lordships will continue their representations to H.M. of the necessity of sending all the stores lately prayed for etc., especially as the inhabitants have always been ready to provide for their

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own security according to their abilities, and even beyond them. This appears from the large sums they have lately expended in building a fort at English Harbour, and repairing the wharf there, purely for the protection and better accommodating H.M. ships of war *etc.* An act past about two months since for building a large cistern in the said harbour solely for the use of the said ships of war, which will cost £1200 of their money at least; and they purpose next year to build two more *etc.* The number of men capable of bearing arms does not exceed 200 men *etc.* The decrease of white men in the island I apprehend to be owing to several causes. Epidemical distempers have destroyed numbers, dry weather, want of provisions, and inability to pay their taxes have obliged others to go off. Land has been at so high a price from the smallness of the quantity in the said island that the settlers of ten or twenty acres who formerly rais'd only provisions have been tempted to sell their possessions to the sugar planters and have thereupon quitted the island *etc.* But this alteration, tho' it may have occasion'd the loss of some inhabitants, has been in general beneficial to the trade, navigation and revenue of Great Britain, all the improvable land being by that means employ'd in the raising of sugar, and provisions coming to them now chiefly from H.M. other dominions in English bottoms. But notwithstanding this alteration, there are very few persons in the said island at present possest of above, or even so much as, 300 acres of land fit for sugar; and without such a quantity or something near it no planter can be enabled to bear the great expence of the buildings and utensils necessary for making sugar, especially considering the low price that commodity has sunk to, for several years past. Another and very great cause of the decrease of white inhabitants, is the employing negro tradesmen, such as carpenters, coopers, millwrights, masons *etc.*, and a very likely means of bringing a considerable number of white men would be to remedy this evil *etc.* not by an immediate act against employing such negro tradesmen (which would be too great a hardship upon the inhabitants, considering the value of such negroes, and the other great inconveniencies that would arise from obliging the inhabitants all at once to provide themselves with white workmen, a thing almost impracticable, but by preventing the breeding up any more negroes to any such trades for the future. Giving ease to the commodities of the produce of the Sugar Islands in those duties which the trade is not able to bear, and which lye the heavier upon it as our rivals the French pay ye smallest duties to the Crown of France, wou'd be another means of encouraging new settlers; nor is it ever to be expected that H.M. Islands will be peopled in the manner they ought to be, till they are put upon the same footing with the French, as to all those advantages they derive from the favour and indulgence of their Mother Country *etc.* While a French war threatens and Antigua lies extreemly exposed to the invasions of an enemy, it does not seem probable that new settlers will be easily encouraged to go there. On the contrary it is much to be feared that numbers of the old settlers from a despair of being able to maintain their



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ground may retire with their most valuable effects to places of greater safety on the Continent of America, unless such measures are taken for their protection by a Naval force especially, and by sending them stores of war *etc.* P.S. *Adds that one very strong reason for sending all the stores pray'd for to the windward Island of Antigua, is that by the constant course of the winds Antigua can send assistance in twelve hours' time to the other islands, whilst an enemy cannot pass to invade them without passing in sight of that Island etc.* For this reason and as Antigua tho' weak, is yet the best fortified island and the place of the greatest strength and security, it may be for H.M. farther service to keep H.M. Regiment entire in that Island, instead of dividing the five companies as at present *etc.* *Endorsed, Recd. 28th, Read 30th May, 1734. 13½ pp. Enclosed,*

183. i. Account of sums raised in Antigua for the defence of the island *etc.* 1702-1730. *Total, £216,186. 1 p. [C.O. 152, 20. ff. 87-94 v.]*

May 28. 184. Jonathan Belcher, junr., to Mr. Popple. Encloses Middle Temple. following transmitted by his uncle. *Signed, Jona. Belcher. Endorsed, Recd. May 28, Read May 29, 1734. 1 p. Enclosed,*

184. i. Minutes of Council, New Hampshire, Jan. 1, 22, 1734, relating to Mr. Wentworth and Mr. Atkinson not being sworn into the Council of New Hampshire. 8 pp. *[C.O. 5, 876. ff. 37, 39-42, 43, 44 v.]*

May 30. 185. Circular letter from Mr. Popple to the Governors on the Continent (including Governors and Companies of Rhode Island and Connecticut). I am commanded by my Lords Commissioners for Trade and Plantations to desire you will transmit to my Lords Commrs. your opinion what further encouragement may be necessary to ingage the inhabitants of the British Colonies on the Continent of America, particularly of those within your government, to apply their industry to the cultivation of Naval Stores, of all kinds, and likewise of such other products as may be proper for the soil of the said Colonies and do not interfere with the trade or produce of Great Britain *etc.* *Desires reply as soon as possible as the Board is to report to the House of Lords at the beginning of next session etc. [C.O. 324, 12. pp. 72, 73.]*

May 30. 186. Circular letter from Mr. Popple to the Island Governors. Whitehall. *Desires "a state of the government under your Government with regard to their trade, strength, and fortifications, as also your opinion what may be further necessary for the encouragement of the trade and security thereof." Desires reply as soon as possible etc., as preceding. [C.O. 324, 12. pp. 73, 74.]*

May 30. 187. Lt. Governor Pitt to Mr. Delafaye. Inclosed is the Bermuda. proceedings of the last Assembly, which desire you'll lay before his Grace the Duke of Newcastle, amongst which is an Act granting me in lieu of my salary for the Whale Fishery which was a

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hundred pounds a year sterling, ten pounds on every old whale caught, and no notice taken of the three years' arrears, but the Act does not answer what they expected it would, there has been but four whales killed this year which is but forty pounds this currancy, neither will there ever be more, for having three times the number of boats and everyone striving to out do each other, is an utter ruin to the fishery as well as a great hurt to the Island in general, there not having been for these two years past a sufficient quantity for the use of the inhabitants and before this four or five hundred barrells used to be exported to the West Indies, Leverpoole, and London, so you may judge what a great detriment it is to me, I beg you'll represent this to his Grace that it may be established on the footing it formerly was, and you'll oblige etc. John Pitt. *Endorsed*, R. 30th July. 1 p. [C.O. 37, 29. No. 17.]

May 30.  
Bermuda.

**188.** Lt. Governor Pitt to the Council of Trade and Plantations. I have the honour to acquaint your Lordships that according to your Lordships' direction in yours to me dated the 13th September, 1732, I laid H.M. Instructions before the Assembly, but they came to no resolution till March last, when your Lordships will see by the Act I have now the honour to transmit to your Lordships, that it's only ten pounds on every old whale that is killed, and no notice of the three years arrears, there has been but four whales killed this year which is but forty pounds this currancy, neither will there ever be more, for having three times the number of boats as usual, every one striving to out do each other, which is an utter ruin to the fishery, as well as a great hurt to the Island in general, there not having been for these two years past a sufficient quantity for the use of the inhabitants, and before this, four or five hundred barrells us'd to be exported to the West Indies, Leverpoole and London, but Mr. Popple in his of the 22nd February, 1733, acquainted me that your Lordships' opinion was that I might accept of the equivalent they offered without being guilty of any breach in my Instruction, I am certain your Lordships will think this not equal to the sallary it's given me in lieu of, and I hope as the damage is so great to the Island, as well as to my selfe, with your Lordships' interest it may be put on the same footing it formerly was. I am with great respect etc. *Signed*, John Pitt. *Endorsed*, Recd. 29th June, 1734, Read 31st July, 1735. 1 p. [C.O. 37, 12. ff. 162, 165 v.]

May 30.  
Bermuda.

**189.** *Same* to Mr. Popple. Has received this year only forty pounds this currancy which is but thirty sterling. Begg him to represent as preceding to the Board, "which the whole island would be glad of, for the compas of water they have to fish in for whales is so small and narrow, that seven or eight boats only hinder each other, and bring it to nothing; the only profitable thing that did belong to the island" etc. *Signed and endorsed as preceding*. 1 p. [C.O. 37, 12. ff. 163, 164 v.]



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May 30.  
Whitehall.

**190.** Mr. Popple to the Bishop of London. My Lords Commissrs. for Trade and Plantations having appointed next Wednesday morning at 12 a clock to consider the New York Act entituled *An Act to impower the vestry of etc.* and having likewise appointed the Solr. for the Society for the Propagation of the Gospel in Foreign Parts and the Agent for New York to attend the Board at that time, I am commanded to acquaint you, with my Lords' desire of your Lordship's assistance at the Board at the same time. [C.O. 5, 1125. p. 303.]

May 30.

**191.** Mr. Leheup to Mr. Popple. *Reply to letter of 14th inst.* Notwithstanding the Auditor of the Plantations keeps deputies constantly residing in *Barbados and the Leeward Islands*; yet the auditing the public revenues there having been generally reserved by the acts passed for raising the same to a Committee of the Members of the Council and Assembly, the Deputy Auditors have not been enabled to send over hither from time to time duplicates of those accounts as required by the Auditor, nor can I find any in his Office. But as the Governors of the Plantations are by H.M. Instructions enjoyned to transmitt to the Lords of H.M. Treasury and Lords of Trade duplicates of all the accounts of the publick revenues, *etc.* refers him to those accounts. *Signed, Peter Leheup. Endorsed, Recd.,* Read May 30, 1734.  $1\frac{1}{2}$  pp. [C.O. 28, 24. ff. 36, 36 v., 37 v.]

May 31.

**192.** Agents of Barbados to the Council of Trade and Plantations. *Reply to Mr. Popple's enquiries.* As to what stores of war are needed, can only repeat Lord Howe's statement, confirmed by the Committee of Correspondence *etc., etc.* As to inducements for new settlers, nothing could tend more to encourage them than a brisk trade and vent for sugar, "which in our humble opinion and that of all the planters *etc.* can no ways be more easily and effectually than by permitting a direct exportation from thence of clayed sugars at least to any part of Europe southward of Cape Finisterre, which permission is become absolutely necessary by the French having within these few years granted the like permission to their sugar Colonies, and by this encouragement our sugars when sent to those parts could be afforded 30 or 40 per cent cheaper than under the present restrictions of landing the sugar first here" *etc.* *Signed, Jno. Sharpe, Peter Leheup, George Lewis Teissier. Endorsed, Recd.* 31st May, Read 5th June, 1734.  $2\frac{2}{3}$  pp. *Enclosed,*

192. i. List of Acts of Barbados, since 1702, for raising money for repairing the fortifications, and establishing a Militia *etc.*  $2\frac{1}{2}$  pp. [C.O. 28, 24. ff. 40-43 v.]

June 1.  
N. Carolina.

**193.** Governor Burrington to the Council of Trade and Plantations. Since my last letter to your Lordships Mr. Owen one of the Council in this Province departed, some others were very like to dye, but my escapeing death was unexpected by all that saw me, by the decease of Messrs. Lovick and Owen, and the refractoriness of others who will not come to Council when

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summon'd, there has not been one held in ten months. It is near three years since I sent your Lordships, a list of persons that I thought proper to fill up the Council, but as yet am unacquainted what your Lordships design in that affair. My Secretary will have the honour to present this letter, I assure your Lordships, he is very capable of giving a perfect account of the state, and condition of this country. I have the honour to remain with great respect. *Signed*, Geo. Burrington. *Endorsed*, Recd. 18th Sept., 1734, Read 3rd Sept., 1735. 1 p. [C.O. 5, 294. ff. 184, 191 v.]

June 1.  
N. Carolina.

**194.** *Same* to the Duke of Newcastle. Having lived in this Province some years without receiving any money from the King, or the country, was constrained to sell not only my household goods, but even linnen, plate, and books; and mortgage my lands and stocks. The many sicknesses that seiz'd me, and their long continuance, have greatly impair'd my constitution, and substance. My affairs and health being in a bad condition, I humbly desire my Lord Duke will be pleased to obtain H.M. leave for my return to England. *Signed*, Geo. Burrington. *Endorsed*, R. Augt. 1 p. [C.O. 5, 309. No. 2.]

June 6.  
Boston  
New England.

**195.** Address of the Governor, Council and Representatives of the Massachusetts Bay to the King. Congratulate H.M. upon the happy marriage of the Princess Royal and the Prince of Orange *etc.* *Esteem* "an alliance with a family so famous for many ages for their promoting and protecting the Protestant Religion, asserting and maintaining the just rights and liberties of mankind *etc.* as an instance of the Divine care and favour" *etc.* *Pray* for H.M. protection and favour in the continuance in the many privileges religious and civil they enjoy by virtue of their Charter *etc.* *Signed*, Jonathan Belcher, Josiah Willard, Secretary to the Council, John Quiney, Speaker. *Endorsed*, Rd. from Mr. Wilks, Oct. 17, 1734. 1 large p. [C.O. 5, 899. ff. 97, 97 v.]

June 6.

**196.** T. Butler, Agent for Nevis, to the Council of Trade and Plantations. *Abstract.* *Submits* list of stores of war required, as laid before the Governor, Council and Assembly by Charles Bridgwater, Commander of the Forts, "which with a squadron of men of war for the Leeward Islands generally I am directed to represent to your Lordships as what this island is in an absolute and immediate want of for their preservation and defence." Can obtain no information as to money raised since 1702 for repair of fortifications and the Militia *etc.*, but this cannot affect the present need *etc.* There are about 400 men capable of bearing arms in Nevis. The cause of the decrease of white men is owing "to the great sufferings and losses they underwent in the late war and from the great decay the sugar trade hath of late fallen into and to the weak and defenceless condition in which the island is at present and the great danger it is in of being lost in case of



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a rupture with the Crown of France. Many of the inhabitants from the great decay in the sugar trade having been necessitated to retire to North America and no new settlers having come either in their place or to supply the great decrease in their white inhabitants by the death of the old settlers, unless a speedy supply of ordnances and small arms with a sufficient strength of ships of warr for their defence be sent them, it is to be feared many of the inhabitants who still remain on the Island will retire from the same on account of the great dread and apprehension of a French invasion, which in their present weak and defenceless condition they are not able to defeat or oppose" *etc.* As to the encouragement wanting to induce new settlers, nothing can be more effective than giving a due protection to the property of the British sugar planters and enabling them to afford their sugars in a foreign market at a cheaper rate than the French, which can only be done by reducing the very high duties both at home and in the Plantations on English sugar, so as to be equal with those paid by the French, and by giving all other the same advantages to the British sugar planters which the French give to theirs. "Barbadoes and the Leeward Islands pay  $4\frac{1}{2}$  per cent in specie abroad upon exportation of all their comoditys, and all foreign sugar imported here pays 3s. 4d. nett duty for every hundred here at home, which when sugar sells for 20s. pr. hundred is about 35 p. cent more upon the neat produce after freight and all other charges of importation are deducted. The French pay abroad 1 pr. cent upon the exportation of sugar and at home the West India duty of 2 pr. cent and the new duty of  $\frac{1}{2}$  pr. cent and this by the composition thereof with the farmers of these dutys upon importation does not amount to above 3 pr. cent of the whole. The Crown of France gives a premium on all negroes imported into any of the French Sugar Islands from Africa in French ships, and the sugars which are brought home in return for such negroes pay but half the aforesd. duty *etc.* Another advantage the French have over us is that all the fortifications in their Sugar Colonies are raised and maintained by the Crown, who also pays the sallarys of the Govr. But the English fortifications have cost the Colonies immense sums of mony, and the Govrs. over and above the sallarys paid them by the Crown depend upon the people for a further support. And as a further encouragement for the peopling their Sugar Colonies the French soldiers are discharged and allowed a year's pay if they marry and become settlers there. It may also be a matter worth consideration whether the mony drained out of the Kingdom to pay for such vast quantitys of French brandy as are imported and run here, amounting as have been computed to £300,000 a year, may not be saved by lowering the duty on rum of the produce of H.M. Sugar Islands and by that means substituting this commodity in the place of French brandy to the advance of the trade of Great Britain and to the great relief of the declining condition of our Sugar Colonies," *etc.* Signed, Thomas Butler, Agent. Endorsed, Recd., Read 6th June, 1734.  $3\frac{1}{2}$  pp. [C.O. 152, 20. ff. 95-96 v.]

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June 6.  
Whitehall.

**197.** Duke of Newcastle to Governor Mathew. His Majesty. being informed, that the care which he is graciously pleased to take for the security of His Leeward Islands by keeping a regiment of His Forces there, is in some measure disappointed by the excessive price of provisions in those parts, which makes it impossible for the officers and men to subsist there upon the pay granted for them by Parliament, in common with the rest of H.M. troops, which is alledged to be one reason that the said Regiment cannot be kept compleat according to the establishment, and that the soldiers which serve in it are in so low and starving a condition that they would probably contribute very little to the defence of those islands if they should be attack'd ; I am commanded by H.M. to acquaint you with His pleasure, that you should use your utmost endeavours with the Council and Assembly of each of the islands, to grant such supplies as are necessary for making an additional allowance to the officers and soldiers of that regiment as is done in Jamaica *etc.* The inhabitants of those Islands are so much concerned to do this for their own safety and preservation, that the King cannot think that you will find any difficulty to bring them into a thing so reasonable in its self and so necessary for rendring effectual the provision that H.M. out of his goodness to them is pleased to make for their security. If they will comply with H.M. pleasure in this particular, the officers will be the better able to obey the orders they are under to have full companies and you will observe how they keep up to it, of which you will send me an account by all opportunities, to be laid before H.M. *Signed*, Holles Newcastle. *Copy.* [C.O. 324, 36. pp. 459, 460.]

June 6.  
Whitehall.

**198.** Duke of Newcastle to the President of the Council of Jamaica. I received a letter of the 11th of March last from Major Genl. Hunter, inclosing an Address to H.M. from the Governor, Council and Assembly of Jamaica, and a representation also to me, setting forth the imminent danger they apprehend themselves to be in from the rebellious negroes and the disposition of their own slaves to a general revolt ; and have laid them all before the King. H.M. was very much concerned at the distress of his people there, and was sorry to find, that when two regiments had been sent to their assistance against those negroes, which were not recalled till there appeared a general uneasiness in the Island at their remaining there, and till the Assembly in a message to the Council seemed to represent them as useless, and had declared "that in providing for their subsistence that House was not so much influenced by apprehension of danger, as by the deference to H.M., and their unwillingness to let so many gallant officers and soldiers want any necessaries until such time as H.M. might be informed of their inability to bear so great a burthen" ; and when care had been taken that the two Independent Companys there should be filled up out of them, and other methods were prescribed to be used in the country for encourageing the soldiers to settle there, the Colony should now be in such circumstances, as to want that assistance which



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they so lately thought unnecessary. However H.M. out of his great goodness to his people, and for the preservation of so considerable a part of his Dominions in the West Indies, has determined immediately to send to their relief six Independent Companys of one hundred men each to be formed out of draughts from the regiments now at Gibraltar, as those in garrison there are more inured to a warm climate. H.M. chose rather to do this than to send a regiment because there being a smaller number of officers in those companys in proportion to that of the private men, they will put the country to less expence, and it may be also easier to have them kept compleat. These with the two Independent Companys which you have there already will make a body of eight hundred men besides officers ; and you are to take all the care you possibly can, that they may be kept up to that complement, and to send me by every opportunity an account of the number of effective men in each company to be laid before H.M. And the Lords of the Admiralty are directed to send the proper orders to Sr. Chaloner Ogle that the squadron of H.M. ships under his command may also give you all the assistance they shall be able. As these troops will be sent away as soon as possible, you will lose no time in making the provision requisite for them against their arrival ; and the experience of what was omitted before will better enable you to supply them with what shall be necessary. You will in the first place take care that they may be landed as soon as they shall arrive, and disposed of into quarters, where they may not be crowded so as to make the men liable to distempers, but may be accommodated in such manner as is proper and necessary. It has also been represented to H.M. that the services in which the two regiments above mentioned were employed were very improper for regular troops ; but as it is impossible to judge of this at so great distance, H.M. has ordered me to recommend it to you, that these Independent Companys may not be put upon such services as are not practicable for regular troops, but may be so employed as to prove of real use for the defence and securing of the Island. It being now the unanimous opinion of the people of Jamaica, that they are not safe without some immediate assistance sent from hence, the King doubts not but the Assembly will very readily contribute all that depends on them towards making this assistance effectual for their safety and protection ; and particularly that they will raise a sufficient fund for an additional allowance, as usual, to the troops ; such an allowance being necessary for their support, since it is not possible for them to subsist in that country upon their ordinary pay. The King would have you communicate the orders and directions contained in this letter, to the Council and Assembly, that they may be made sensible of H.M. goodness to them, and of what is thought necessary to be done on their part towards their own preservation. I desire you will return my thanks to the gentlemen of Jamaica for the justice they do me, and assure them that nobody can more sincerely wish the happiness and prosperity of the Island than I do, and that the measures that are now taken may prove effectual for their ease

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and security. As the Government of Jamaica is devolved upon you by the death of Majr. Genl. Hunter, I am persuaded you will do all the service you can to H.M. and to the Island, till the arrival of Mr. Cunningham, who is to succeed him, and will set out the first opportunity. *Signed*, Holles Newcastle. *Endorsed*, Draft. Duplicate sent July 25. 7½ pp. [C.O. 137, 55. ff. 62-54 v., 66 v.; and (copy) 324, 36. pp. 461-465.]

June 10.  
Antigua.

**199.** Wavell Smith to Mr. Popple. I received yours in relation to Capt. Sommers, to whom I have always rendered all the service in my power. He saild from hence three weeks agoe. I have not troubled you nor the Lords of Trade about the extraordinary attempts of the people of these Islands to reduce the fees of my office and thereby render it impracticable for any person who is not a native of this place to execute it here. My reasons for not doing it, was my determination to go home the moment I saw how far they would go, and then once for all lay the whole matter before H.M. that a solid determination might be made upon the fees of the whole, and the government here bound for the future to walk by some rules agreeable to an English constitution, which yet I have not observed. However, the time is now approaching of my setting out, yet I know you will excuse me for giving you a small sketch of the sweet treatment I have met with, since the death of my Lord Londonderry. I shall begin with Nevis. At Nevis, by an Act of Courts they have taken away my fees in such a manner that 'twas difficult for me to procure a person to execute the office, and at last I was oblig'd to let it to Mr. Thompson (the Deputy Provost Marshal) for 2 years for £55 p. annum, hoping by that time H.M. interposition might restore me to the fees granted me by my patent, and the Assemblys for the future be bound in the making of their laws to observe some rule of justice; that Act my Agents have enter'd a caveat against the passing of, and you will find therein clauses mischievous to other people besides myself; there is one that constitutes an *attachment* by which the goods of any merchant residing in England may be seized in that Island; a power no ways fit to be entrusted with people here, which I know to be true from my own observation, and am convinc'd the moment the Lords of Trade consider it, they will report against it, and indeed I am the more induced to be positive in this point when I consider the opinion of the late Attorney and Sollicitor General upon the Act for foreign attachments pass'd in Antigua, which H.M. thought fit to reject. Besides the President of Nevis, by his Instructions cou'd pass no such bill. There is another clause therein extreemly unjust, framed artfully enough in so voluminous an Act to prevent the poison thereof being taken notice of in England, and that is the clause that requires the Marshal to take the goods, produce of the country, regardless of specific contracts. The view of this was to defraud the British merchant, who, supposing he had lent a thousand pounds sterling to one in Nevis, and should be oblig'd to sue for the same and obtain an execution, why then his attorney must take the various produce



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of the country at what they call their currency when he ought to be paid in sterling money pursuant to his contract. At St. Christophers, they have proceeded by acts in the most arbitrary and summary manner to take away the fees uninterruptedly receiv'd by my predecessors, and enjoy'd by me till the influence of Mr. Spooner found means to accomplish almost the destruction of my office. You well know the Board of Trade by their letter of the 18th of July, 1727, signify'd their objections against the Court Act, which had encroach'd upon my fees, and therefore their Lordships recommended the restoration of them to me pursuant to the Act (of 1715) repealed by the Court Act. The Council of that Island did accordingly pass a bill, agreeable to the recommendation of the Lords of Trade, which Mr. Spooner's influence in the Assembly caus'd to be rejected, so I have stood defrauded by a reduction of those fees, and the Judge's Clerk (a new officer created by the Court Act) has enjoyed a part of the income of my office from that time to this, notwithstanding the interposition of the Lords Commissioners by their said letter of the 18th of July, 1727: And to shew how little they mind the sentiments of the Board of Trade, they have, since General Mathew his arrival past a short act to take away a Chancery fee of three shillings for ninety six words, in copies of bills and answers, granted to my predecessors by the Act of 1715, and enjoy'd of course by me. I own there is a suspending Clause in it, but can't admit it ever was the intention of the Crown to permit bills to pass even with suspending clauses, to take rights from people about which there is no manner of dispute, as there is none in this, because it was enjoy'd by my predecessors, derived to me by my patent, and besides in decency to the letter of your Board of the 18th of July, 1727, it ought not to have been attempted. This was schem'd to put me to expence and trouble and done by way of punishment to me, for obstructing the Assembly in swallowing up the whole Government, making the Council a cypher, and distributing rewards and punishments as they pleased. And particularly in resentment for my opposing a cruel and scandalous treatment of the late Commander-in-chief carry'd on at the instigation of Spooner, in order to compleat his revenge against an unhappy fellow (one Munn) who sent him a challenge. The man was fined and imprisoned for the same, and then pardon'd, and notwithstanding at last dyed in prison, and in foro conscientiae was as much murderd by it, as if I was to stab a man behind his back, however Mr. Spooner says his death is to be justify'd in foro juris, a point I leave him to make out. There is another act pass'd, dated the 7th day of June, 1732, in St. Christophers, *for raising a tax on negroes and also for explaining an Act made in the eighth year of King George*, the first entitled *an Act for raising an impost on liquors*, which was originally given for support of the Government, and the contingent charges thereof, and out of this cash fund myself and all the rest of the publick officers were constantly paid our established fees and sallaries after they had been examin'd by the Governor and Council. Now this fund by way of their explanation is appropriated to the

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use of the forts and fortifications, purpos'dly to take away the power of issuing money by the Governor and Council, and thereby divest the Governor and Council of means to pay the said officers ; and all the officers are now actually and solely dependant upon the humour and caprice of the Assembly. For myself, since the passing that law, they have by an act reduced me to £60 a year for all manner of publick business I am to do. No fund even provided to pay that ; whereas my salary for attending the Council was £30 p. annum, and the rent of my office for a house £25 p. ann : and the usual amount of the Secretary's business communibus annis £195, as may be seen by an authentic paper enclosed, allowed to Mr. Balaguier, to many of my predecessors before, and to myself till the passing of this late Act, or rather Edict, for nothing, I think, can be more arbitrary than by acts to take away a man's estate unheard, who has committed nothing of offence ; except defending the King's known Government and Instructions and endeavouring to force obedience to them may be deem'd such ; This, my dear Popple, you'll find has been the tenour of my actions, and what I have stedfastly pursued, and you'll find too the proofs of this noways depend upon me, but upon records (to wit) Minutes of Council, protest therein, and the Acts themselves. You will also find in the Assembly's Minutes (if they are not detain'd) bills have been read three times in one day, sent up by way of surprize, then flung out by the Council, afterwards the same bills attempted again in a week's time. The Council and Assembly adjourned to a certain day, called two days before the adjournment was out, in order, by surprize, to secure a majority, and to accomplish such dirty politicks. These pretty proceedings you shall see proved soon by the aforesaid witnesses, and I believe then you will not be at a loss to guess how necessary it was for Mr. Spooner to have me removed from the Council, who have been battling against these proceedings, and when this matter comes to be explained, it will come out to have been the operation of Mr. Spooner, his own private directions to Mr. Sharpe, indeed cleverly and ingeniously executed by him as in due time shall be made appear, for which the Council will not pay his bill, and upon which score the Council and Assembly at Saint Christophers are totally at variance, as may be seen by the enclosed resolutions. I come now to Antigua, where I have been also finely handled, but they have not proceeded by act ; here indictments have been brought against me for extortion founded upon an old obsolete docket. But I have had the good fortune in my last to have a special verdict found, which will be a manifestation of my right to my fees. In England, however that matter is now before the Council who are at work upon a docket of fees, by which they intend to reduce me much, so I shall forthwith bring it home and appeal to the King and Council, which is all I want, since the whole fees of the Office will be thereby known and each particular fee examined, and my right to them explained, and a stop put for the future to these people's meddling with what H.M. in Council once establishes. I send you a protest of Colonel Thomas, by



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which you will perceive his sentiments of this matter, and I believe his undoubted understanding and fortune in this country lead him to be as jealous of its welfare as anyone, and would induce him to be against me as much as any man in regard to unjustifiable fees, but that he here sees my right is plain, and that proceedings so violently unjust, when they come to be canvassed in a cooler region, and before impartial judges must turn out to the discredit of those who set them on foot, and to the Island in general, especially when it comes to be proved that the publick owes me for business near £1000, the ballee. of eleven years' service, and the particulars who pursue this reducing scheme indebted to me too. I propose by this letter that you will be able to induce my Lords Commissioners not to take any resolution on the aforementioned Acts 'till I am heard against them, before whom if I do not make out all these facts in an indisputable manner, and many more wherein H.M. Government and Prerogative is concerned, thro' the encroachment of the Assemblys, I desire they will report me to H.M. as a foolish and incapable officer, and if I succeed therein, I hope to have the honour to be recommended by their Lordships to H.M. countenance and protection. I beg you will enter a caveat against passing the Act, taking from me the Chancery fee of 3s. It was granted to my predecessors by an Act passed at St. Christophers in the year 1715, of course deriv'd to me by my patent, and I hope there need be no expence of Council in a case of so clear a nature, their Ldships. having already determined this matter in a similar instance contained in their aforementioned letter. I shall have the pleasure of seeing you soon, being now chiefly detained upon the marriage of my daughter with Mr. Slingsby, which draws near *etc.* *Signed*, Wavll. Smith. *Endorsed*, Recd —, Read 25th Nov., 1736. 7½ pp. *Enclosed*,

199. i. Minutes of Council, Antigua, Feb. 28, 1728. 4½ pp.

199. ii. Observations on preceding by Wavell Smith, 10th June, 1728. *Signed*, W.S. Nos. i and ii *endorsed as covering letter*. 6¼ pp. [C.O. 152, 22. ff. 205–215, 216–219, 220 v.]

June 10.  
Whitehall.

**200.** Order of Committee of Privy Council. The Lords of the Committee having taken into consideration the Representation of the Lords Commissioners for Trade *etc.*, 20th Dec., proposing A. Payne jr. for the Council of St. Christophers *etc.*, together with a report by the said Lords Commissioners, 10th April last, *etc.*, “are of opinion that it is not adviseable for H.M. at this time to appoint the said Payne, *etc.*, and their Lordships do therefore hereby referr it back to the said Lords Commissioners to propose some other person *etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 4th July, Read 18th Sept., 1735. 1¼ pp. [C.O. 152, 21. ff. 174, 174 v., 175 v.]

June 10.  
Barbados.

**201.** Governor Lord Howe to the Council of Trade and Plantations. *Encloses act*, to which he has given his assent, for *supplying the deficiency of the excise and for raising money for*  
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*other publick uses : by laying a duty upon negroes etc. Continues :* The duty upon wines having been so very small this year there will not be money enough raised to pay near half the amount of the current service of it, it was therefore thought necessary to pass this act to support the credit of the Government. Your Lordships will observe this act does not commence till the first day of February next nor is the dutys to be paid till the first day of August in the same year. The reason of this was that the inhabitants who have been so much reduc'd from the badness of their present crop might have time to recover their misfortune ; in every other respect this act is the same with all others that have been pass'd of the same nature, excepting that some faults which may have been found in the others, we have endeavour'd to amend in this, therefore I hope it will meet with your Lordships' approbation. *Encloses* duplicates of letter and enclosures *etc.* April 24th. *Signed*, Howe. *Endorsed*, Recd. 13th Aug., 1734, Read 16th July, 1735. 1 p. [C.O. 28, 24. ff. 108, 113 v.]

June 10.  
Barbados.

**202.** *Same* to the Duke of Newcastle. Duplicate of the preceding, *mutatis mutandis.* *Signed*, Howe. 1 p. [C.O. 28, 45. f. 319.]

June 11.  
Boston.

**203.** Governor Belcher to the Duke of Newcastle. *Encloses* journal of the New Assembly of the Massachusetts Bay *etc.* *Continues :* They seem at present one of the best Assemblies that this Province has had since my coming into the Government, and I hope they will fall into such measures as may most of all tend to the support of H.M. honour, and to the safety of the just liberties and properties of the people *etc.* *Encloses* bill past by the Representatives and Council "the 8th currt. for £3000 for my support" *etc.* *Prays* for leave for giving his assent, and to give his reasons why leave may now be general. *Continues :* With deference to your Grace, I think no gentleman cou'd have done more, from my arrival in support of the King's honour in the Government than I have done amidst the opposition of stubborn Assemblies, tho' I must more justly impute it to the influence of a few ill-natur'd factious members of the House of Representatives. The way and method of my getting at my support is a great hardship upon me. Being oblig'd to spend my salary twelve months before I receive it. To be at a considerable charge in soliciting for leave. And the value of the money in which I am paid sinks from year to year a sixth part. And in case of my mortality my family must alwayes run the risque of losing a whole year's salary. Thus what by one thing and what by another, there is every year a deduction of at least a fifth part of my salary, and I do truly assure your Grace that the £3000 I recd. last year was not (clear of what I have above-mentioned) more than £600 sterl., so vile are become what they call here bills of credit. I therefore believe your Grace will think these things a great hardship on a Governour approv'd by his Royal master in the whole of his administration. Were, my Lord Duke, the delay, the repeated application and charge I am



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put to any punishment on the Assemblies, it might be some support of the King's honour, but the hardship is wholly on the King's Governor, who I hope has committed no fault in the matter, and, with great deference to your Grace, I humbly think it wou'd more to His Majesty's honour, that the leave be general for the future, provided the grant be not less than the Assemblies have hitherto made it: This, my Lord Duke, is the biggest, the richest, and yet the poorest Government in all the King's Provinces; the perquisites of this Government are not, *communibus annis*, worth four score guineas a year. I therefore humbly hope for the favour and candour of your Grace in considering the reasonableness of my request as to the leaves being now made general, and that I may not be continued under so great a difficulty, and of which I am the single instance in all the King's Plantations, every other Governor taking his support as soon as it is granted. *Signed*, J. Belcher. *Endorsed*, R. 30 July. 3 pp. [C.O. 5, 899. ff. 67-68, 69 v.]

June 12. **204.** Act of Massachusetts Bay granting £3000 to Governor Belcher, June 8, 1734. *Copy*. 1 p. [C.O. 5, 752. No. 51.]

June 12.  
Whitehall.

**205.** Council of Trade and Plantations to Mr. Belcher. We have received two Memorials from Capt. Tomlinson, one in behalf of Col. Dunbar, Lieut. Govr. of New Hampshire, complaining that notwithstanding your Commission and Instructions which rest the whole power of government of the Province of New Hampshire, in him, during your absence from the same, you deprive him of all power and authority, salary, perquisites and emoluments whether you are present in, or absent from the said Province; the other Meml. in behalf of Messrs. Atkinson and Wentworth, whom you have not thought proper to admit into the Council of New Hampshire, notwithstanding you have received H.M. Royal Orders for that purpose. Upon the subject of these two Memls., we have been attended by Capt. Tomlinson, and on your behalf, by your son, Mr. Jonathan Belcher, Mr. Wilks, and Mr. Partridge, and have read your letters, also the Minutes of Council of New Hampshire from the first of Jany. 173 $\frac{3}{4}$  to the 22nd of the same month attested by yourself, containing an account of what pass'd therein relating to your refusal of the said Messrs. Atkinson and Wentworth. We have likewise heard what your son, Mr. Wilks and Mr. Partridge had to offer in your behalf, but as they could not pretend to give reasons to justify your not obeying H.M. commands, either in the case of Col. Dunbar, whom you have deprived of all power of Government in new Hampshire, notwithstanding your absence from thence, or in the case of Messrs. Atkinson and Wentworth, we were determin'd to lay a full state of these cases in a rept. before H.M. with an opinion upon your behaviour therein; but as your son, Mr. Wilks and Mr. Partridge have assur'd us that your conduct was grounded upon your having misunderstood your Commns. and Instructions in these respects, and have desir'd that we would suspend our said Representation for some time,

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that they might have an opportunity of writing to you, engaging at the same time, that you would immediately remove all cause of complaint, in both these cases, and that you would for the future, more steadily adhere to your Commission and Instructions, we have for the present suspended making any. [*C.O.* 5, 917. *pp.* 95-97.]
- June 12. **206.** Mr. Scrope to Mr. Popple. The Lords Commissioners of H.M. Treasury desire you will transmit to them a copy of such of H.M. Instructions to Governor Matthew *etc.* as relate to the Revenues. *Signed*, J. Scrope. *Endorsed*, Recd. 12th, Read 18th June, 1734. 1 *p.* [*C.O.* 152, 20. *ff.* 97, 102 *v.*]
- June 12. **207.** Order of King in Council. Approving draught of Commission for Governor Cunningham. *Signed*, W. Sharpe. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 1 *p.* [*C.O.* 137, 21. *ff.* 138, 144 *v.*; and 5, 21. *f.* 37.]
- June 12. **208.** Duke of Newcastle to the Council of Trade and Whitehall. Plantations. I am commanded to signify to your Lordships H.M. pleasure, that you prepare an Instruction for Mr. Cunningham Governor of Jamaica, relating to his appointments *etc.* similar to that ordered 4th May, 1727. *Signed*, Holles Newcastle. *Endorsed*, Recd., Read 12th June, 1734. 1 *p.* [*C.O.* 137, 21. *ff.* 61, 68 *v.*]
- June 12. **209.** Council of Trade and Plantations to the King. *Propose* Whitehall. Mathew Concanen for the Council of Jamaica in the room of Mr. Gomersal decd. [*C.O.* 138, 17. *p.* 414].
- June 12. **210.** Order of King in Council. Referring following to the Kensington. Attorney and Solicitor General to examine into the nature of the respective estates and interests of the Proprietors and Lessees of the Bahama Islands and to report in what manner the same may be most properly conveyed to the Crown. *Signed*, W. Sharpe. *Endorsed*, Recd. 31st May, Read 12th June, 1735.  $\frac{3}{4}$  *p.* *Enclosed*,  
210. i. Lords Commissioners of H.M. Treasury to the King. Whitehall, 10th May, 1734. In reply to order of 2nd Aug., 1733, as to purchase of rights of Proprietors and Lessees of the Bahama Islands, they conceive that great difficulties may arise before the various titles thereto and the manner of conveying the same can be adjusted, and that this will be a matter most proper for the Attorney and Solicitor General to consider and report upon. *Continue*: It seems to be agreed on all hands that the vesting of the said islands in the Crown will be for your Majesty's service and the interest of Great Britain in regard they appear by their scituation most convenient for the reception of such British ships as may at any time be sent into those parts for the protection of our trade and of privateers for the annoyance of an



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enemy in time of war. Therefore we are not without hope but that your faithful Commons *etc.* will provide the money for the purchase, as they did in 1728 for the purchase and surrender of N. Carolina *etc.* Which required an Act of Parliament to make the same effectual, as we presume this may do. *Signed*, R. Walpole, Geo. Oxenden, Wm. Clayton. *Copy.* 2 pp. [C.O. 23, 3. ff. 101, 102, 102 v., 104 v.]

June 12. **211.** Sir Charles Wager to Mr. Delafaye. Recommends Parsons Green. enclosed petition, Mr. Beswicke having suffered hardship through Consul William Reas "not having given him the least allowance for doing the duty and office of Consul at Tripoli" *etc.* *Signed*, Cha. Wager. 1 p. *Enclosed*,

211. i. Petition of John Beswicke to the Duke of Newcastle. Requests place of Clerk of the Markets, Charles Town, being informed that it is vacant, and the inhabitants labouring under some inconveniences for want thereof, *etc. as above.* *Signed*, John Beswicke. 1 p. [C.O. 5, 383. ff. 9, 10.]

[June 12.] **212.** 11th Article of the Presentment by the Grand Jury, S. Carolina, 20th March, 1734. We present as a verry great grievance and an intollerable hardship on the severall inhabitants of Charles Town that negroes are suffered to buy and sell, and be hucksters of corn, pease, fowls *etc.* whereby they watch night and day on the several wharfs and buy up many articles necessary for the support of the inhabitants, and make them pay an exhorbitant price for the same, and we do present all hucksters, forestallers, and tegrators; and also the want of proper officers to put the laws in execution for preventing the same, which might, as we conceive, all be remedied, if a clerk of the market were appointed, and proper regulations made for that purpose, with a strickt inspection into weights and measures, in which there is great corruption and fraud throughout the whole province. *Endorsed*, Recd. from Mr. Beswick *etc.* 1 p. [C.O. 5, 383. f. 21.]

June 13. **213.** Duke of Newcastle to Lt. Governor Gooch. Encloses Whitehall. copy of warrant for pardon of William Major (v. 4th May). *Signed*, Holles Newcastle. *Copy.* [C.O. 324, 36. p. 465.]

June 13. **214.** Council of Trade and Plantations to the King. Representation on Act of New York to empower the Vestry of Jamaica *etc.* *Continue*: In 1693 an Act was pass'd at New York for settling a Minister in that Province and raising a maintenance for them whereby it was enacted that the sum of sixty pounds in country produce at mony price, should be annually assessed and levied for maintenance of the Minister of the abovementioned Parish of Jamaica in Queen's County to be paid him by the churchwardens of the parish, in four equal quarterly payments, by virtue of warrants signed by a majority of the Vestry in the

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manner directed by the Act. Mr. Poyer, late Minister of the aforesaid parish, dyeing in January 1731 was succeeded about a year afterwards by Mr. Colgan, and the abovementioned sum of sixty pounds, which makes the subject of this Act, in mony collected upon the inhabitants during the vacancy of their church between the death of the last and the induction of the present incumbent. Whereupon we beg leave to represent to your Majesty that by a statute passed at Westminster in the 28th year of your Majtys. Royal Predecessor King Henry ye 8th, for the restitution of the first fruits in time of vacation to the next incumbent, it was provided that after the avoidance or vacation of any benefice all the tithes, rents and revenues thereof shall belong to the next incumbent and his executors towards payment of the First Fruits to the Crown for payment of the person who should serve the cure during the vacation, and for defraying the charge of collecting the tithes, fruits and rents of the benefice. This law extends to all your Majty's. Dominions, and as the people of New York have no municipal law which may exempt them from the observation of it, which in this case would be a very great hardship upon the present incumbent, who has officiated as Curate of the parish above half the time of the vacancy, we see no reason why the law of England, to which this Act is repugnant, should not take place in the Province of New York ; and therefore we humbly take leave to lay this Act before yr. Majesty for your disallowance. [C.O. 5, 1125. pp. 304-306.]

June 17.  
New York.

**215.** Governor Cosby to the Council of Trade and Plantations. *Abstract.* Encloses 6 acts of New York. There was a great variety of opinions in the Assembly as to the sum and manner of striking the new bills authorised in No. vi, for making £40,000 in bills of credit, but they unanimously agreed that there was a necessity for doing it in some shape or other. "I represented to them in the strongest manner I could how lately they had renewed their currency, and the difficulty I had in procuring it for them, however I must say they do labour under great hardships for want of paper money" etc. *Recommends* Thomas Farmer, John Rodman and Richard Smith to fill three vacancies in the Council of New Jersey. *Signed*, W. C. *Set out*, N. J. Archives, 1st Ser. V. 364. *Endorsed*, R. 20th Aug., 1734. 1½ pp. [C.O. 5, 1093. ff. 315, 315 v., 316 v.]

June 17.  
Antigua.

**216.** Governor Mathew to the Council of Trade and Plantations. I have no publick papers at present to transmit except duplicates of those I sent last and now a transcript (*this not received*) of the Minutes of the Assembly of Antigua commencing January 21st, 1733 and ending the 15th of March following. I know not what to do with the inhabitants of Anquilla, Spanish Town and Tortola. They live like so many banditts in open defiance of the laws of God and man. Whilst I was in England they pyrated upon a Spanish ship wreck'd on the Anegadas (as they allways do on such occasions) and did such things to men of distinction and their ladys on board as I cannot without



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blushing recollect to myself, much less repeat to your Ldps. As for being under Government they are out of all notion of that. From time to time Depy. Govrs. from among themselves have been appointed by H.M.'s Chief Govrs. of these Islands, but these have no authority over them but what they are able to enforce with a cudgel. He that is at Anquilla now writes me he cannot nor will continue such among such reprobates any longer. The Deputy Govr. of Spanish Town was the deepest and most infamous of the plunderers of the Spanish ship I last mentiond, and I know not how to mend him with a better. At Tortola the Deputy Govr. dyed. One Pazea was recommended as the least rogue among them, others said he wou'd not accept of it. Capt. Toller in H.M. Station ship being bound that way I gave him a Commission for a Deputy Governor desiring if Pazea wou'd accept of it to fill it up with his Christian name, which I did not know, else to return it to me. He carry'd it, fill'd it up with Pazea's Christian name, he accepting the command, but at publishing it the Island was altogether by the ears. One half submitted to the new Govr. and became Pazea's party. The other half declaring a Govr. should be voted for. A sloop in the road was, as it happened, on the Govr's. side and fir'd him a complim. with her guns, the opposite got two great guns mounted ashore, and fired on it with shott at the vessell, and the crew, Captain and all coming on shore were cut and beat with their cutlasses in a terrible manner. Pazea sent me affidavits of all this. To bring them to justice, to do it there was impracticable, I advis'd with the Attorney Generall, he was at a loss too to advise, however he drew up a warrant for my signing, requiring the ringleaders to be sent up to me. Capt. Toller carry'd down this warrant and deliver'd it to Mr. Pazea, but to no purpose, some wou'd not be found, others found means to overcome his resentmt., so nothing was done on the warrant but 2 or 3 are come hither with lres. from Pazea recommending them to me for their great worth at other times, and one of our most eminent lawyers has undertaken for them that they cannot be tryed here and there are no judges or Justices to try them there, much less juries of honest men than themselves. I wou'd humbly offer to your Ldps., that I may from among the gentlemen of these Islands appoint three or four Justices to go thro' these lawless Islands, once or twice a year, as the Judges go circuits in England, with commissions as well to try and determine controversys at law as in criminal cases, and that I may issue writts for chusing persons there to form something like an Assembly, and to make up some form of a legislature that I may name a small number in each Island to serve as a Council to the Deputy Govr. When I communicated to the Council and Assembly of Antigua H.M. 44 Instructions they were at a loss which articles of the Act of 1728 were approv'd, or which disapprov'd by your Ldps., so that they cou'd not prepare the law recommended by that Instruction. Yesterday a person came from Tortola and the Dutch Island Sta. Eustatia, assur'd me a large ship arriv'd at St. Thomas's with a Commission to one La Motte (formerly Govr. of St. Thomas's) to be Govr. and 250

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soldiers to settle St. Cruz and that they dayly expected a Danish man of warr to cover their settling. *Signed*, William Mathew. *Endorsed*, Recd. 26th Aug., 1734, Read 25th July, 1735. 3 pp. [C.O. 152, 21. ff. 86-87 v.]
- June 17. **217.** Governor Philipps to Mr. Popple. *Reply* to 30th May (the original of which he never received). Will consider the matter and answer with all convenient speed *etc.* *Signed*, R. Philipps. *Endorsed*, Recd. 17th, Read 27th June, 1734. *Holograph*. 1 p. [C.O. 217, 7. ff. 24, 27 v.]
- June 18. **218.** Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, four acts of the Massachusetts Bay 1733. [C.O. 5, 917. p. 97.]
- June 18. **219.** Mr. Popple to Mr. Scrope. Encloses copies of Governor  
Whitehall. Mathew's Instructions relating to the Revenue as 12th June. [C.O. 153, 15. p. 257.]
- June 19. **220.** Governor Cosby to the Committee of Privy Council.  
New York. In reply to Order of 8th Jan., states his reasons for removing Lewis Morris, Chief Justice, N.Y. See Cosby's letters. *Printed*, N.Y. Col. Docs. VI. p. 8, and N.J. Archives, 1st Ser. V. 366. *Signed*, W.C. *Endorsed*, R. Aug. 20th, 1734. 13½ pp. [C.O. 5, 1093. ff. 307-313 v., 314 v.; and *endorsed*, Recd. from Mr. Guerin, 20th, Read 21st Aug., 1734. 14 pp. C.O. 5, 1056. ff. 206-212 v., 213 v.]
- June 19. **221.** Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, 12 acts of Jamaica passed there Nov. 1733—March 1734. [C.O. 138, 17. pp. 415-418.]
- June 19. **222.** Governor Cosby to the Council of Trade and Plantations.  
New York. *Abstract*. Refers to enclosures. Has recommended to the Assembly in his Speech (encl. i) the ways most likely to revive their trade, which is in a very declining state, and to fortify the Province against a time of war. It now lies with them to do their part *etc.* Has begun already to put the collection of the quit rents upon a better foot, by obliging the Sherriffs to collect and return them to the Receiver General, but that will not do without the assistance of the Court of Exchequer for the Court of Chancery, given that dispatch to business which the King's suits require. "This was talk'd of by the Judges of the Supreme Court on my arrival, and upon a full consideration of it they resolved to admitt and to hear causes in the Equity side of the Exchequer, and having as their predecessor always had sufficient authority by their commissions for so doing, in pursuance of what the Judges had so resolved on when they had the opinion and concurrence of the most eminent of our lawyers att the Barr, an ordinance was prepared for appointing sittings out of term for the greater dispatch of bussiness, and revised by the late Chief Justice Morris and the other Judges of the Supreme Court, and



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afterwards past by me with the advice of H.M. Council. About this time the Attorney General filed a bill in the Equity side of the Exchequer against Mr. Rip Van Dam *etc.* for half the salary and perquisites of the Government (for he had received the whole from Coll. Montgomerie's death) which H.M. had been graciously pleased to give to me, for which Van Dam pleaded and demurr'd, the Attorney General and the other Council retained for the King having prepared their arguments against the plea and demurrer rose up to speak, but Morris without speaking a word to the other two Judges told them they must speak only to the jurisdiction of the Court to hold pleas in Equity; this surprised them, as well it might, they desired leave to argue the whole plea and demurrer and not that particular point, for that what they had to say on that head was so blended and interspersed with the other parts of their arguments that they could not well separate them " *etc.* Morris, however, obliged them to speak to that single point. Van Dam's Council were under no surprize, but as if they had beforehand been instructed by Morris they read their arguments on that single point *etc.* "Whereby the King's Council concieved that they had prepared themselves for that alone, and Morris himself as soon as ever they had done speaking pulled out of his pockett and read a long argument against the jurisdiction of the Court to try causes in Equity and against the King's authority to erect Courts of Equity, thus he who by his oath and office was obliged to maintain the King's Prerogative argued strenuously against it in the face of a numerous audience, teaching the people irrieverence and disrespect to the best of kings, and to his Courts of Justice " *etc.* Mr. DeLancey, the second Judge, gave his opinion in a few days with much judgment in justification of the authority of the Court and of the King's Prerogative to establish Courts of Equity in this Plantation. Mr. Phillipse, the third Judge, gave his opinion the first day of the next term on the same side *etc.* Morris next day upon the bench and in open Court, told them, though he had never seen the opinion of the latter, that their reasons were weak, mean and futile and that they were only his Assistants *etc.* They replied that their authority in determining points of law was equal to his and that their opinions were the judgement of the Court *etc.* Upon which Morris left the Bench, saying that by the grace of God he would sitt there no more when matters in Equity came before him *etc.* Encloses Morris's opinion which he printed and industriously dispersed. "This behaviour of Morris's awaked me to a jealousy of H.M. Prerogative *etc.*, and determined me to displace him, which I did " *etc.* and made Mr. DeLancey Chief Justice *etc.* Morris petitioned H.M. *etc.*, whereupon the Lords of the Committee directed me to send my reasons *etc.* Though his behaviour in this is I think sufficient, yet I have given other reasons arriseing from his partiality and neglect of his duty *etc.* Hence his open and implacable malice against me has appear'd weekly in false and scandalous libels printed in Zenger's Journal *etc.* "Even att this very time when he is petitioning for the King's favour, he is makeing bold and presumptuous attempts

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in the Assembly against H.M. authority to establish Courts." *Encloses* copies of the Judges' Commissions to show their powers *etc.* *Continues*: Early this last spring six of the Mohock Sachims deputed by the rest of that nation came down to New York with a deed which they had executed makeing over their lowlands to H.M. in trust for them and their posterity lest the Albany people should again ensnare them *etc.* *Refers to enclosures*, "which I hope will put to silence the malicious tongue and pen of my inveterate enemie Morris, who in Zenger's papers has represented me as a criminal for getting that fraudulent deed from the Corporation of Albany" *etc.* If I had not complied in that particular with the request of the Mohocks, they would immediately have left their country and gone over to the French, whereby we should have lost the nearest and most warlike of the Six Nations, whose example, as they have ever been the leaders of the other nations in the time of war, would probably have been followed by the other five in case of a rupture *etc.* Only Morris and a few of his followers exclaim against this action; all men of discerning, even those of Albany who were not to be sharers of the land applaud what I have done *etc.* *Refers to the Mayor's letter enclosed.* *Continues*: Tho' Morris and Mr. Alexander, one of H.M. Council, have been Van Dam's advisers, yet he himself must have consented to all the libellous aspersions and false scandalous insinuations wherewith the papers printed publish'd and dispersed in his name abound; other gentlemen of the Council have so just a resentment of them and tender and near regard for their own reputation and character that they think they cannot with honour sit any longer att the Council board with Van Dam and Alexander, the authors and publishers of those false and scandalous libels, they therefore by me become humble petitioners to your Lordships to move H.M. to displace them *etc.* If members of the Board are suffered to be so foully traduced by other members, they will decline in the esteem and reverence of the people *etc.* Alexander is a Councillor of New Jersey as well as of this province, and Surveyor General of the Jerseys. It would be more proper that he should be a Councillor there than here, especially as the interests of the two Provinces may sometimes clash, as concerning the partition line, when he ought not to be a Judge in both Councils. His being of the Council in both provinces is liked in neither *etc.* Van Dam is very old, past the use of his own reason and given up intirely to the management of Morris and Alexander. In the fall he allowed the French to buy provisions for the garrison at Lewisburgh, of which they were in great need *etc.* (v. C.S.P. 15 Dec. 1733), for which Morris has libelled him in Zenger's papers, "possessing the people with a belief that they were spies sent to discover our weakness and that I was in their interest." The common people were alarmed, and the terror grew so great and so general, that an insurrection was apprehended, which indeed was what Morris, Van Dam and Alexander aimed at, but they were defeated in their attempt. All the men of sense and estate exerted themselves right, abhorring those scandalous



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papers, as will be seen by the merchants' address, drawn up without his knowledge *etc.* People see through the malicious designs of the malcontents. "He who called loudly in Zenger's papers for a present meeting of the Assembly the season of the year wherein it was impracticable for them and urged the immediate necessity of fortifying this city was the first in the house who started difficulties and threw rubs in the way of it." These three men and their few and insignificant followers are the only men from whom he is to look for any opposition in his administration, and they are implacable in their malice *etc.* *Set out*, N.Y. Col. Docs. VI. 32. *Signed*, W. Cosby. *Endorsed*, Recd. 7th, Read 8th Aug., 1734. 7½ large pp. *Enclosed*,

222. i. Governor Cosby's Speech to the Assembly of New York, April 25, 1734. *Abstract*. The principle causes of the present decay of the trade of the Province are (i) that their neighbours, especially the Bermudians have by degrees got such footing that are become their common carriers, whereby building is discouraged, artificers are without employ, and vast sums are carried out of the Province by strangers who spend hardly anything in the Province little that is useful or profitable; (ii) want of laws to prevent frauds and abuses in relation to flour, the staple commodity of the country, so as to prevent the exportation of any but such as is equal to the best exported from the neighbouring Provinces, whose flour, thanks to such wholesome laws, has gained a reputation superior to theirs. *Proposes* the encouragement of their own building and navigation, and the discouragement of those who supplant them in their navigation, by acts laying a duty on tonnage on them, and putting all flour to be exported under a strict essay and inspection. "This will prevent frauds and abuses in bolting, give life to the expiring hopes of your ship-carpenters, and other trades-men, recall their unwilling resolutions to depart the Province, and encourage others to come into it, fill your harbours with vessels of your own, inspire your youth with warm inclinations to become sea-men" *etc.* *Proposes* protection of the harbour by erection "of a battery at the point of rocks by White-hall," and new forts at Albany and Schenectady, for which he has prepared plans and estimates. *Suggests* re-arrangement of taxes and a duty on paper used for legal documents. *Calls attention* to the advantages of encouraging honest and laborious white people, and the disadvantages of "too great importation of negroes and convicts." "The Six Nations are often in want of smiths and their proper tools to mend their arms: I recommend it to you to make provision for that purpose. The French not only do that, but constantly send some men of art and interest to reside among them, furnish'd with brandy, lead and powder, which they give from time to time to the Indians, whereby they ingratiate themselves with them,

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and alienate their affections from us. It is our interest to defeat the attempts of the French by the like arts" *etc.* *Endorsed as covering letter.* Printed by William Bradford in New York, 1734. 3 pp.

222. ii. (a) Address of the Assembly of New York to Governor Cosby. Thanks for his obliging Speech *etc.* (b) Governor Cosby's answer.

222. iii. (a) Address of the Merchants, Freeholders and Inhabitants of the city of New York to Governor Cosby. June 3, 1734. Express appreciation of H.E.'s great concern for the welfare of the Colony, as evinced in his Speech to the Assembly (No. i.) (b) Governor Cosby's reply. Nos. ii. and iii., *endorsed as covering letter.* Printed. 2 pp.

222. iv. Mayor of Albany to [ ]. Albany. May 21, 1734. *Reply* to request for his opinion on the Indian deed of trust (encl. v.). "As I am fully perswaded that H.E. had no other view in obtaining that deed, but to secure unto H.M. interest the fidelity of the Six Nations; so cannot but think that their lands are now much securer then ever before, for to my certain knowledge those gentlemen who had the deed, which the Indians destroy'd when H.E. was att Albany, had deceived them (the Sachims) in what they had faithfully promised (upon delivery of the deed) to perform, which those gentlemen if strictly examined will confess, for they, have often done it to me" *etc.* Cannot hear of any copy of the deed that was destroyed *etc.* Signed, Edwd. Holland. *Same endorsement.* Copy. 1 p.

222. v. Copy of Indian deed of trust to the Crown, Nov. 4, 1733. *The undersigned*, in behalf of "the several tribes of the turtle, bear and wolf the native born Indians of the Mohock Nation in the county of Albany *etc.*, being deeply sensible of the many benefits and gracious bounties we from time to time have receed. and do now enjoy under the Royal favour and protection of his present most gracious Majesty King George the second have willingly and freely given, granted, aliened and enfeoffed released and confirmed *etc.* unto His said Majesty *etc.* all that certain tract or parcell of low or meadow land commonly called the Mohocks' Flatts scituate *etc.* near Fort Hunter on the south side of the Mohocks river on both sides a creek called Tiondoroga Creek and containing by estimation 1200 acres more or less together with 2000 acres of wood or uplands lying att the back and extending the whole length of the said low or meadow lands" *etc.* provided *etc.* that H.M. shall not grant to any body politick, person or persons whatsoever the abovementioned lands *etc.* or any part thereof, except it be by the free and voluntary consent of us whose names are hereunto subscribed or the majority of us, our survivors or representatives under our hands and seals



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*etc.* We hereby covenant that we nor our heirs shall not convey or alien the abovementioned premises or any part thereof *etc.* except by such consent or confirmation in writing unto H.M. *etc.* *Signed, sealed and delivered in the presence of* Walter Butler, William Printop junr., by Jacomin, Asarus, Gidion, Cornelius, Sett, Whisaw, Asarus, Erras, Sander, Petrus, Aria, Johannis, Johannis. *Same endorsement. Copy. 2 pp.*

222. vi. Commission of William Attwood, Chief Justice of New York, 5th Aug., 1701; and of Lewis Morris, C.J., N. York, 5th June, 1729. *Same endorsement. Copies. 2½ pp.*

222. vii. Opinion and Argument of Chief Justice Morris concerning the Jurisdiction of the Supream Court *etc.* *Duplicate of C.S.P., Aug. 27, 1733, encl. ii. q.v. Same endorsement. Printed. 14 pp.*

222. viii. Minutes of Council of New York. Fort George. 1st April, 1734. The Mohock Sachems, having come down from their castles and desired an audience, and having committed what they had to lay before H.E. into writing the same was read *etc.* They stated that the rest of the Nation was satisfied with what was done at Albany and the extraordinary presents they had received from the great Korah, and sent them to congratulate him on the safe arrival of his wife and children, "our great sister," and also to enquire as to the truth of the alarm they had received from Albany concerning a war with the French. They are the greatest warriors of all the Six Nations, and were much discontented that they could not have any satisfaction at Albany whether what they had reported concerning a war were true or not, "especially when we saw how buisy they were in carrying trees for stockadoes to fortify their town." Desire to know whether they must fight with the French Indians. "If the great Korah says we must, we will; for we know we are bound in the Covenant Chain to be dutifull children to our Father King George who is so mighty that he has more canoes on the great Lakes than all the Kings in the world" *etc.* *Have heard* that some French Indians with a French Interpreter have been amongst the Sinnekes in order to make them break the Covenant Chain, and to bring them over to the French interest, and that they have built a Castle in the Sinnekes' country. *Offer to* ascertain this, and to do their best to make the Sinnekes return to their duty and to procure that the Castle they have built be pulled down. They have had from their Brother Korah the greatest tokens of love and affection that they ever had from the greatest Korahs, and this they return. *Ask for* repair of tools and bellows at their smith's shop. *Repeat that* two or three years ago some of the Corporation at Albany told them that some people

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were endeavouring to get their lands from them and desired them to give the Mayor and Commonality of Albany a deed in trust for them for all their Flatts near Fort Hunter. "Upon which we made answer in presence of the Commanding Officer at Fort Hunter that we were able to take care of our own land ourselves and utterly denied to give the Corporation any such deed, with which we dismiss them" *etc.* Some considerable time after the Corporation were again with them and persuaded some of them to sign a deed which they believed to be a deed in trust only for their own use. Not long after they heard that the Corporation said the land was their own, "which raised in us no little surprize and the more for that we had nobody to consult with nor a copy of the deed so signed *etc.*, tho' positively promised" *etc.* until the great Governor came and ordered the deed to be brought and read *etc.* Enraged to find that the Corporation were so false as to make their land their own, they burned the deed. Now "that the Corporation of Albany sho'd never have it in their power to cheat us, we have made a deed in trust to our great King George" *etc.* (v. encl. v.). The Governor replied that if the King had sent him word that they must might fight with the French, they would have been informed immediately, and assured them of his protection *etc.* Desires them on their return to take one from each tribe and with Lawrence the Interpreter to go to the Sinnekes' country, and there, if they find any house set up by the French, to make the Sinnekes pull their houses down and send the French out of their country; and if any of the Indians be gone over to them, to make them send for them back, and to warn the rest that the French only want an opportunity to destroy them *etc.* Returns thanks, and promises the repairs desired. Will keep the deed and give them a copy of it *etc.* Same endorsement. Copy. 3 $\frac{3}{4}$  pp.

222. ix. Minutes of Court of Exchequer, New York, 22nd and 28th April, 18th and 19th May, 1702. Same endorsement. Copy. 2 pp. [C.O. 5, 1056. ff. 108-111 v., 112 v., 114-116 v., 117 v., 118, 119-121 v., 122 v., 123 v.-134 v.; and (covering letter only) 5, 1093. ff. 317-319 v., 320 v.]

June 20.  
Portsmouth  
N.H.

**223.** Lt. Governor Dunbar to Governor Belcher. By Mr. Fellows on Monday last, I acknowledged the receipt of your Excellency's letter of the 13 with the Exeter petition and petitions from the coasters; it is easy to discover whose direction and correction those petitions have had, and where they were framed; there is nothing of truth in them, but what I have represented home as far as relates to me, the heads of them are in your Excellency's letter of the 2nd of May; as for the saw sworn to be broke by me in 1729, I freely own I endeavoured to break it



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with a crow but could not effect it, it was then in a condemned log with the King's mark upon the log ; as for William Nell's affidavit, I surprized him standing by a large pine tree fresh cut, and upon my asking him proper questions in the way of my duty he gave me very provoking language, for which I would have corrected him as I did the two fellows last August, who were robbing the King and treated me very insolently for questioning them, which I will allways resent to any person upon a level or below me ; the cheif complaint in the Exeter petition is against the Judge of the Admiralty, who took all the advice and precaution possible before he decreed the boards to His Majty., and if I was in his place I shd. hope and expect that your Excellency would have shewn your resentment against a petition so scurrilously arraining the judgments of a Court ; but considering what a dutifull and loyal people subscribe it, they deserve encouragement ; the very men who have lately committed an Act that your Excellency in your letter of the 2nd of May says you incline to call rebellion, and the Justices before whom their examinations have been taken, and who also subscribe the petition, are the Justices of the three concerned in taking the examinations, against whom I complained as aiding and abetting the rebellion or riot, and whom the majority of the Council he refused at my instance to examine relateing thereunto ; your Excellency sees how little effect the Proclamation has had promising your countenance as a reward for the discovery of the actors in that riot, well may those people call your administration calm, when they can go unpunished for such outrages, the reason among the many handsome expressions and epithets they use in their petition relating to my executing the decree, is worth observation, viz. that the boards decreed to His Majesty had no mark on them to discriminate them from others not decreed, when at the same time they themselves prevented their being so mark'd, and with intent (no doubt) to take them to their own use, and so defraud His Majesty ; the petition has a great number of names, many of them are little boys, but they do well enough to make up numbers ; notwithstanding some of them have sworn heartily, I perceive none of them charges me with taking any bribes in my duty, tho' it is insinuated in saying that trees and logs have been sold by the surveyor, but if they would incline to do justice they should name the surveyor, it would then appear to be Mr. Slade, and that is one of the reasons why I have discharged him, that charge against him appearing in open court on tryal of the logs, when many were acquitted for that reason. As for the petrs. being forced from their dayly labour by me without pay, I appeal to Cornet Smith who commanded the 12 men, the only detachment I ever had with me, who I am sure will own, and swear that I spent more mony on that detachment than three days' hire wd. come to, and afterwards offered them what pay they would demand. What gives me any concern upon all these petitions is their charging me with swearing ; that was no part of my character before I came into this pious country, but the saints by their pretended sanctity and at the

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same time stealing what belongs to H.M., and even robbing him of it in open defiance of laws, when the power is taken from me to prevent it, and when H.M. is at so great an expence in keeping officers here for that purpose and service, these things, Sir, with some treatment your Excellency knows I have had, would provoke a man of more temper than I to swear, some have gone mad upon less provocations ; I told your Excellency at the time of my stopping the coasters laden with the King's boards, and ask'd your advice, which you generously declined giving, and at the same time I sent a copy of wt. I wrote to you to the King's Advocate General, and upon his letter that I could not justify such stopping, I withdrew the order, and now see them every day going by laden with spoil, your Excellency is greatly in favour with loggers, mill men and coasters. If I was Governor I would in the present case order the sheriffs and justices in each town to go with the posse to the mills where condemned boards lye, and there assist and protect the King's officer in separating and marking wt. belongs to H.M., and then either to hawl them for the usual pay, or permitt the officer to burn them, which I alone am answerable for ; my commission as Surveyor is registerd at Boston and in it all Governors and magistrates are to be aiding and assisting to, and promote and encourage me and my deputies in the due execution of our duty in all matters relating thereunto, as they will answer the contrary. In virtue of this I have applied to your Excellency, and all the assistance you have been pleased to afford is a very persuasive Proclamation for discovery of a most flagrant insult upon His Majesty's authority, besides your disabling me from using the powers the King has been pleased to give me, wch. wd. have enabled me to have detected the offenders and protected his right ; my resentmt. for all this has perhaps warn'd [*sic*] me more than I ought to express to your Excellency, you will send it home with the petitions, which is all the favour I ask of you and if it be judged too piquant, I will ask your pardon for it. I think to send you a copy of my late letter to the officers about these affairs, which may serve for a fuller answer than this, and then your Excellency can remark upon and answer it without having it from England. The complaints in these petitions would have appeared better if they had been fresher, they may now look like spight, and if I am not mistaken they may be deemed libels, very good judges will see them and to them I most chearfully submitt. I mentioned that circumstance about the saw 4½ years ago in some of my letters, and also last summer how I was provoked in the woods to strike a couple of insolent fellows who, tho' they were told that I was Lieutenant Governor, treated me with great insolence, which I never will suffer from any man to the dishonouring H.M. commission. Your Excellency takes no notice of my letter of the 24th of May last. I hope you have recd. it *etc.* P.S. I ask pardon for sending your Excie. a letter thus blotted, it was by accident and time will not admitt of writing it over to go by this post. The President has endeavoured to get the gentn. of the Council to sign a certificate in favour of Mr. Slade, that he was a faithfull diligent



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officer, and very agreeable to the people in the country, the latter is very true, and no officer will be so to them, yt. is faithful. Mr. President could not prevail, by his rhetoric, upon all your friends in the Council to sign such certificate, it would be a contradiction to wt. your Excellency hinted to me in several letters last summer about Mr. Slade's management, and I have 20 affidavits to prove it; but this industry of the President is of apeice with the Exeter petition and may easily be seen through. *Signed*, David Dunbar. 3 $\frac{3}{4}$  pp. [C.O. 5, 10. ff. 102-103 v.]

June 24. **224.** Petty expenses of the Board of Trade, Lady Day—  
Whitehall. Midsummer. v. Journal. 5 pp. [C.O. 389, 37. pp. 103, 104-105, 106.]

[June 25.] **225.** List of several tracts of land taken up within the township of Purrysburgh. Given in reply to queries to Col. Purry. June 20th. Robert Thorpe, 12,000 acres, 3rd Jan., 1731 (2); John Roberts, 12,000, 25th Feb., 173 $\frac{1}{2}$ ; Arthur Middleton, 4705, 19th May, 1732; Paul Jennys, Speaker of Assembly, 3000, 5th April, 1732; Col. Samuel Prioleau, 3250, 20th June, 1732; Capt. Stephen Bull, 700, 7th April, 1732; Governor Johnson, 8000, 9th Feb. 173 $\frac{3}{4}$ ; Col. Thomas Broughton, 4000, 26th Jan., 173 $\frac{3}{4}$ . The dates of the above tracts are, pursuant to the several certificates and plotts, returned into my office by my Deputys. *Signed*, 15th Sept., 1733, Charlestown, Ja. St. John, Surveyor Genl. *Note.* Col. John Fenwick survey'd, without any authority, and since H.M. purchase, for himself and Mr. Hudson two baronys, one whereof by computation is within six miles bounding of Purrysburgh, the plott of which Mr. Fenwick never returned into the King's Surveyor General's office. *Endorsed*, Recd., Read 25th June, 1734. 1 p. [C.O. 5, 363. ff. 75, 77 v.]

June 27. **226.** Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, Act of Antigua, 1734, *for building a platform and cisterns for the use of H.M. ships of war.* [C.O. 153, 15. p. 257.]

June 27. **227.** *Same to Same.* Encloses, similarly, 5 Acts of Mont-  
Whitehall. serrat, 1733-1734, (i) *to explain an act for holding a Court of General Sessions*, (ii) *Act amending act for establishing a Court of King's Bench etc.*, (iii) *for the more speedy building a church in the parish of St. Anthony*, (iv) *constituting a court merchant*, (v) *for providing an honourable support for Governor Mathew and continuing the duties on liquor etc.* [C.O. 153, 15. pp. 258, 259.]

June 27. **228.** *Same to Same.* Encloses, similarly, 3 Acts of St. Kitts,  
Whitehall. 1734, (i) *for giving an estate of inheritance in fee simple to such of the inhabitants as have built or shall build houses within the several fortifications of Brimstone Hill, Charles Fort and Fort Londonderry*, (ii) *for reducing the fee of 3s. per sheet taken by the Secretary as Clerk in Chancery for the copies of bills and answer in the said Court etc.*, (iii) *for obliging the churchwardens and vestrymen of the parish of St. George Basseterre to keep watch in the town of Basseterre*

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*and Irish Town by night and for preventing robberies and other disorders that are frequently committed therein.* [C.O. 152, 15. pp. 259, 260.]

June 28. **229.** Mr. Fox to the Council of Trade and Plantations. Charles Town. Encloses lists of vessels entered and cleared, Charles Town, for South Carolina. quarter ended at Midsummer, 1734. *Signed*, Jos. Fox, Naval Officer. *Endorsed*, Recd. 24th Sept., 1734, Read 18th Sept., 1735. 1 p. [C.O. 5, 364. ff. 243, 252 v.]

July 1.  
Boston.

**230.** Governor Belcher to the Duke of Newcastle. I had the honour of writing your Grace the 9th of last month upon the matter of a riot committed at Exeter in New Hampshire, and of Coll. Dunbar's complaint to me upon it, and of the people's complaint against him, as also of his disobedience to my orders, and I had long before this transmitted to your Grace the particular state of these affairs, but that it has taken time to get the necessary papers in their proper form and order, which are now done, and I have the honour to cover them, *etc. enumerated. Continues*: I am sorry to trouble your Grace with such volumes of complaints, letters and replications, but Mr. Dunbar's extraordinary proceedings as Lieut. Governor of New Hampshire, and Surveyor General of H.M. woods make it necessary; the same I also transmit to the Lords of Trade; As to the affair of the riot, upon the first account he gave me of it, your Grace will see in mine of 29 April I was at some loss to know how he came to write to me; since I had seen an order he gave to one Collo. Gilman of Exeter where he presum'd to call himself Commander in Chief of the Province, and if that were so, he cou'd not want my assistance. But I suppose he soon saw his mistake, in that the people wou'd by no means own him to be such, much less wou'd the Govr. allow him so to be. However, let the differences between him and me be what they wou'd, I was determin'd to do my duty to His Majesty, and upon the receipt of his letter of 29 of April, with some examinations he had taken, I gave orders to the President to summon a Council to have a Proclamation issued immediately, which your Grace has herewith, and the same I directed to be put into the publick prints inclosed. After this I order'd H.M. Council at New Hampshire to do every thing in their station for bringing the persons concern'd in the villanous riot to condign punishment. This was all, my Lord Duke, I cou'd do about this vile affair: Your Grace will readily discern with how much prejudice and sowness Mr. Dunbar writes of the King's Council, and of the Secretary, and of Gentlemen in Commission of the Peace. I shou'd have thought it wou'd have been more for his honour to have avoided all those reflections; and whatever he is pleas'd to say of my supporting people in power, that are making destruction of the King's woods, I must crave leave, my Lord Duke, to say that is a representation without the shadow of justice. I have challeng'd him to make proper proof of anything of that kind, but that I wou'd not turn Gentn. in and out of place upon his ipse dixit, and at his pleasure. I



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have always been ready to do everything in my station to the utmost of my power for preserving the Royal woods, indeed I can't dishonour H.M. Commission by falling into his violent measures of maiming and threatening to murder the King's subjects, and to enter upon 'em with fire and fagot. I have so much honour for him, as to believe he wou'd not care what came of the King's woods, so he cou'd fix any neglect about 'em on the King's Govr. But as I can appeal to your Grace, and to the whole world that my administration has been one continued and constant care of the King's honour, and of his interest, and more especially of the royal woods, by the proclamations and orders I have from time to time issu'd about 'em ; I can intirely depend on the justice and honour of your Grace that his insinuations against me on that head will be as fruitless as everything else he has been attempting to my prejudice. At his meeting the Council upon the riot, he offer'd to put a reward into the Proclamation, and to pay it himself, if the Council wou'd consent to a Proclamation's going out in his name, but, as they wou'd not, and there was no money in the Publick Treasury, there wou'd be no reward in the Proclamation I issued. Yet if he had been in earnest in that matter, he might have advertis'd a reward in the publick prints, which is often done, besides the Proclamations issued by Governments, but the Council concluded, and so did I, that he only wanted to issue a Proclamation in his own name, in order to wrench the King's power out of my hands ; In his letter to me of 29 April, he values the condemned boards and logs at £2000, yet I think the complainants say he offer'd them to sale at £250. Your Grace will find by the several affidavits in what a severe manner Collo. Dunbar has used the King's subjects from time to time upon his survey, with great deference to your Grace such sort of managment would better sute the Government of France or Turkey, than what is markt out by the Constitution of Great Britain, for the Government of Englishmen, who are under the best of Sovereigns, that delights and glories in making the laws the rule of his administration ; I say unmercifully beating some, threatening to shoot others, and to lay the estates of others in ashes, and in a violent unwarrantable manner stopping vessels at the Fort, and firing upon 'em to the great hazard of the peoples' lives and estates, can by no means be executing aright the Commission the King has honour'd him with, and inasmuch as there are no regular forces to support such extraordinary proceedings, it has been with the greatest difficulty that I have been able to suppress the rising passions of the people (who from the first settlement of this country have been perfect strangers to such arbitrary Government) nor cou'd I have done it, but by assuring them that I wou'd lay their complaints before our most gracious Sovereign, from whom they could not fail of redress. If the King's business was to be done in such a manner, what need wou'd there be of Laws or Civil Government ? When he wrote to me of stopping the trade and navigation of the River, my answer to him was to do nothing, but what was clearly warranted

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by Law. Had I absolutely forbid him, I imagin'd he wou'd have disobey'd my order, as he had done in another case, and his saying otherwise to me was what I cou'd by no means depend on, and that I made a right judgment in giving no orders in this case appear'd by his stopping several vessels after his obtaining the opinion of H.M. Advocate General to the contrary. When their complaints were brought to me I serv'd them with copies, and he sayes he will make answer to them at home; upon reading them and the affidavits your Grace will be better able to judge of Mr. Dunbar's managments, and what order to give to me and to him (for the future in these matters) or to his successor, for he writes me he is going home. I wish it be true for H.M. honour and service, for I think his behaviour in these parts from first to last has had no other tendency than to prejudice the King's subjects against his Government, so far as Mr. Dunbar had had anything to do with it. What a gross mistake did he make, my Lord Duke, about the lands at Pemaquid, and did he not break his instructions that only gave him power to lot out the King's lands in Nova Scotia, but according to his despotic manner he was pleas'd to assert the lands in the Massachusetts to be in Nova Scotia, and there to run out charge on his own head, and I am told without the least order originally from the Crown, and surely to very little purpose, being only a loose wall of dry stones, a great part whereof is already tumbled down. Had I, my Lord Duke, been arriv'd to the Governmt. and Mr. Dunbar had presum'd to have medled with any of the lands within the grant of the Crown to the Massachusetts, I shou'd, in pursuance of H.M. Royal Commission have effectually prevented his doing what he did unless he had shown me H.M. Royal Orders to warrant him, and had the Government here at that day so done, it had saved H.M. ministers a vast deal of trouble, as well as a great charge to this Province in procuring Her Majesty's Order (when Guardian of the Kingdon) "that the said David Dunbar do quit the possession of all the said lands, and also to revoke such parts of the Instructions given by H.M. on the 27 of April, 1730, to the said David Dunbar as have any relation to the settling the lands lying between the Rivers Penobscutt and St. Croix." And if Mr. Dunbar had inclined to look into the Royal Charter of this Province he might have been convinc'd that he cou'd as justly have pretended to have put a few loose stones together for a fort in the town of Boston, and to have lotted out land there as at Pemaquid. By his desire I once mention'd to the Assembly here the paying him anything they might think reasonable for his expence in that part of this Province, and your Grace has long since seen their sense of that matter in their Journal, I had the honour to send you in its course, and unless he has some better claim of reimbursement from the Crown than from this Province, he will perhaps learn to be wiser for the future. Your Grace will also be able to judge how much service he did as a Surveyor of the King's woods, while he was from Sept. 13, 1731 to July 2, 1733 constantly at Pemaquid, and notwithstanding what Mr. Surveyor may insinuate to your Grace of his vigilance and care



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of H.M. woods, I am prone to believe, upon a strict enquiry your Grace wou'd find more strip and waste made of them in the five years of his Surveyorship than in any ten years before ; which must be partly attributed to his absence, but much more to his imprudence (to give it the softest term). I wish I was able to represent to your Grace any one service he has done for H.M. from his arrival here to this day ; but instead of that his whole study seems to have been to render himself and everybody he has had to do with uneasy and restless, and by the printed paper inclosed, your Grace will see how odious he is in this country, that for any one even to drink his health is to ruin his interest and reputation with the people. Indeed, my Lord Duke, it wou'd seem something extraordinary to one that didn't know Mr. Dunbar, that one who pretends so highly to assert the King's honour shou'd take such a creature as Mr. Cook into his bosom, after the King's Governr. had remov'd him (and his son) from two profitable posts in the Government for his constant opposition and disrespect to the King's honour and service, but at this I am not much surpriz'd, for I suppose Mr. Dunbar's pique and ill nature at the Governr. will alwayes readily incline him (for the accomplishment of any point against the Governr.) to resolve *Flectere si nequeo superos, acheronta movebo*<sup>1</sup>. Altho' my letter of 2nd May has nothing in it but exact truth and facts, yet I wish he had sav'd me the trouble of exposing his want of proper thought and duty to his superiour ; his late predecessor and I liv'd in good harmony, and so I have also with my Lieut. Governors here, but with this gentm. it's not possible for any man to be easy, he has such a thirst of being bigger than he is. I beg leave once more to repeat with submission to your Grace, that I am firmly of opinion that it wou'd tend much more to the safety and honour of the King's Government, as well as to the better preservation of the Royal woods, that Mr. Dunbar was removed, and a wiser man to succeed him *etc.* Signed, J. Belcher. 18 pp. *Enclosed*.

230. (i) (a) Governor Belcher to Shadrach Walton, President of the Council, N.H., April 29, 1734. Having sent my orders of the 11th currt. to Lt. Governor David Dunbar *etc.* to ask the advice of the Council on my Proclamation for a fast *etc.*, and he having disobeyed the said order, you are hereby directed to summon a meeting of H.M. Council, and to ask their advice on the enclosed Proclamation for a fast, and upon their advising thereto, to order the Secretary to fill up the blank for the day at such time as the Council shall think best, *etc.*, and to make the said proclamation public, *etc.* Signed, J. Belcher. *Copy*.

(b) *Same to Same*. May 2, 1734. I having received an account of a most notorious riot committed in the town of Exeter, upon the occasion of the Honble. David Dunbar Esq., H.M. Surveyer General of the Woods, his sending men thither to receive into their custody a

<sup>1</sup> If I cannot bend the Gods above, I will move Hell.

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parcel of boards forfeited to H.M., it is my order that you convene H.M. Council immediately on receipt of this, and ask their advice on the inclosed proclamation, and upon their agreeing thereto you are to deliver it to the Secretary to be made publick *etc.* *Signed, J. Belcher. Copy.*

(c) *Same to Same.* Boston, May 9, 1734. I have your's pr. the carrier of 6 curtts. wherein I find H.M. Council had advis'd issuing *the above* Proclamation. I am glad the Council are steady in their duty. The King's Government must not be lost by the disobedience of the Lieut. Governour, and I now order you to convene H.M. Council, and to advise with them what is further necessary to be done on their parts respecting the riot at Exeter; and that they may do everything in their station according to their duty to the King for bringing the persons concerned in that villanous affair to condign punishment. You are also hereby ordered to adjourn the Court of Appeal from 14th curtts. to such day as you and the Council think most proper. *Signed, J. Belcher. Copy. The whole, 1½ pp.*

230. ii (a) Governor Belcher to Lt. Gov. Dunbar. April 11, 1734. You are hereby ordered to convene H.M. Council as soon as this comes to your hands, and to ask their advice on the enclosed proclamation and warrant, and upon their advising the issue of them, you are to order H.M. Secretary to make the said proclamation publick and to deliver him the warrant to be returned to me. *Signed, J. Belcher. Copy.*

(b) *Same to Same.* April 29. The post has brought me your narration of what happen'd at Exeter, and you say you send me copies of the examinations *etc.*, which when you do and tell me to what end you send these things, you shall have my answer. *Signed, J. Belcher. Copy. The whole, ½ p.*

230. iii. *Same to Same.* Boston. June 13, 1734. *Encloses* copies of complaints with affidavits, against Lt. Gvr. Dunbar for his answer. *Signed, J. Belcher. Copy. ¼ p.*

230. iv. Francis James of Exeter, master of the sloop *Bonaventure*, and Benjamin Chadwell, master of the sloop *Prosperous*, both in New England, coasters, to Governor Belcher. May 14, 1734. They cleared the said sloops at the Collector's office in Portsmouth, N.H., on April 30, and then applied to the gunner of the Fort for passes, offering him the usual fees, which he refused saying they should not pass the Fort. They then applied to Lt. Gvr. Dunbar for relief, but he treated them very ill, and particularly said to the complainant James, "Damn you, you shall not pass the Fort as long as I am Lieut. Governor here, by God." They often repeated their request, but he refused and



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ordered the gunner to fire upon them. After three days they ventured to pass by in order to proceed on their intended voyage to Boston, and when they were abreast of the Fort four guns laden with ball were from thence fired at their vessels. *Pray for H.E.'s protection etc. Signed and sworn to by Francis James, Benja. Chadwell. Copy. 1½ pp.*

230. v. Copy of *The Weekly Rehearsal*, May 13, 1734. No. 137. Containing Belcher's Proclamation relating to the riot at Exeter. *Printed. 2 pp.*

230. vi. Copy of *The Boston Gazette*, June 1, 1734. No. 754. *Printed. 4 pp.*

230. vii. Copy of *Same*, May 9, containing Proclamation as No. v. *Printed. 2 pp.*

230. viii. Governor Belcher to Lt. Governor Dunbar. *Reply to letters of April 15, 22 and 26. The first I take to be a masterpiece of insolence on the King's Governour, whom by your Commission you are strictly commanded to obey. I wou'd have you to know, Sir, that I never made any mistake here in a Proclamation for a Fast, or anything else. It really looks to me like a farce to hear a man of your very grave life and conversation set up for a patron of the religion of the Church of England. As to the platform you mention, I have never in my life obtain'd a sight of it, and, I assure you, I pass no acts of Government without reading and knowing them ; But had what you say been as true as it is otherwise, pray, Sir, what have you to do with my administration in the Massachusetts. If I make mistakes, I am answerable to my royal Master, and not to my inferiours. The warrant I sent you happen'd thro' my forgetfulness, yet that don't excuse your disobedience about it. What you wrote me three years ago on that head made me smile, and what you say now brought me to a broad laugh. As to the orders I gave to my military officers, I think your not knowing or not practising your duty, in not waiting upon your Govr. out of the Province, nor writing him a line of any occurrence in it for near 12 weeks together, and when powder was wanted for the Province to apply for it to the capt. of the man of war here, and not to the Govr., should seal up your mouth, as to my not giving any orders to you about the Militia etc. Continues : If you find yourself contemptible, I attribute it wholly to you own imprudence. Such was your beating the people last year at Exeter, your assaults and abuse of the Marshal of the Admiralty in the execution of his office, swearing and cursing at some, threatening to shoot others thro' the head etc. These things, Sir, don't become a gentn. that wou'd feign be called a Govr. etc. Quotes from his letters and asks, if his professions that he wishes to avoid disputes are genuine, why he is*

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constantly bickering and trying to wrest the power out of his hands *etc.* *Continues*: I am more and more satisfy'd by my own commission as well as by yours, and by my Instructions, that I am alwayes virtually present in New Hampshire when I am personally in the Massachusetts, nor will I suffer any Proclamation to go out in your name, or any other act of Government of the like kind, *etc.* *Is not* affected by his hints of his influence at home. *Continues*: Had you not assur'd me in yours of 7th Sept. that the trembling in your hand didn't come by hard drinking, I shou'd have thought your's of 15 April had been wrote over a hearty bottle *etc.* *Sends* a copy of his Naval Officer's Commission to Capt. Husk, and enquires on what day and before whom he was sworn. *Supposes* that the examinations taken concerning the riot were under his direction and correction, but finds a blunder in them *etc., etc.* *Continues*: When you write me that you have the King's leave to go for England, and that you think mine necessary (for the way of your mentioning it is of a piece with the rest of your behaviour to me) you shall soon know whether I will give it. You say that you have given orders to the Fort that no vessel laden with lumber at mills where forfeited boards lye shall pass the Fort, and that if you can't justifie this, you will recall it upon my advice, which is, that for the King's honour and your own safety, you will take care that this step, as well as all your other proceedings be clearly warranted by law *etc., etc.* *Signed*, J. B. *Copy.* 6½ pp.

230. ix. Israel Ober, master of the sloop *Bonaventure*, and George Tuck, master of the sloop *Dolphin*, both of Beverly in the county of Essex, coasters, to Governor Belcher, June 7, 1734. Having their full lading of boards, they cleared at the Custom house, after having first been refused and applied to the Lt. Governor. They then asked the latter for passes, which he denied them, telling complainants he would seize the said sloops unless he gave them their bonds in £100 each. Being advised by their friends at Piscataway not to do so, they refused. After waiting three days, they proceeded on their voyage to Boston, where they arrived June 3 and 4. *Pray* that such proceedings may be stopped *etc.* *Signed and sworn to by*, Israel Ober, George Tuck. *Copy.* 2 pp.

230. x. Copy of bond required by Lt. Govr. Dunbar in preceding, that the lading of boards were not part of condemned white pine boards or sawed out of condemned logs *etc.* 1 p.

230. xi. Daniel Batchelder, of Beverly, master of the sloop *Seaflower*. May 14, 1734, to Governor Belcher. Complaint similar to No. vi. *Signed and sworn to by*, Daniel



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Batchelder. *Copy.* 1 $\frac{3}{4}$  pp. [C.O. 5, 899. ff. 70-78 v., 80-81, 82, 83, 83 v., 85-92, 93-94, 95, 95 v.]

July 2.  
Whitehall.

**231.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose accounts of incidental charges of the Office, Ladyday to Midsummer, and request payment of quarter's salaries now due. v. Journal. [C.O. 389, 37. pp. 354, 355.]

July 2.

**232.** Governor Belcher to the Duke of Newcastle. It is with great satisfaction that I have the honour of acquainting your Grace that the present Assembly of this Province seems to have a better sense of their duty to H.M. than any other I have met since my arrival to the government, having at the first of their setting gone thorro' (with dispatch) some things, affecting H.M. honour and service, that have formerly struggled and labour'd with much difficulty, as your Grace will find by their Journal inclosed, and I hope they will still go on with the affairs of the Government, so as to recommend them and this whole people to H.M. grace and favour. Besides the Address of congratulation to H.M. from the whole Assembly, upon the happy marriage of the Princess Royal with the Prince of Orange, which will be delivered you by the Agent of this Province, there is also an Address to the King from H.M. Council, and from the House of Representatives here, setting forth the naked condition of this Province with respect to guns, powder and other stores of war, and humbly imploring H.M. aid and assistance; they have also made a vote of request to me that I wou'd make my application to H.M. Ministers for success in this necessary affair. Here is, my Lord Duke, in this harbour, about three miles below the town a very regular fortification on a place called Castle Island, and to which a new addition is now making for the entertainment of twenty large cannon, and then Castle William (so it is called) will be capable of mounting 120 guns; but the greatest part of what guns are now there, are old and honeycomb'd, the iron work (as well as the wood) of the carriages much decay'd, and I think at this time there are but ten barrels of powder belonging to this fortification, and most other gunners' stores are wanting, with mortars, shells, and small arms: there are also six small forts or block houses on the frontiers, that have hardly a gun in them, or a small arm fit for service; and the maritime towns as Boston, Salem, Marblehead, Gloucester and Plimouth are now under the consideration of the assembly in order to the building of batteries for entertaining the best part of 100 cannon, which work will create a great charge to this H.M. Province, and without them the King's Government and subjects here will lye constantly expos'd to the insults of their enemies. Let me then be an humble orator to your Grace in the behalf of this Province, that they may feel the benign influence of the King's Royal grace and bounty, in this important article, and in a manner worthy of so great a monarch and of so good and kind a Father to all his people; then shall the present and future

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generations rise up and bless the King and His Royal House, and they will hold themselves under great obligations to your Grace and so will he, who is with the profoundest respect and deference *etc.* *Signed*, J. Belcher. *Endorsed*, R. 14th Oct. 5 pp. [C.O. 5, 899. ff. 98-100, 101 v.]

July 2.  
New  
Providence.

**233.** Governor Fitzwilliam to the Council of Trade and Plantations. This accompanys the Council journals and lists of shipping trading to and from these islands from my arrival to Midsummer last *etc.*, to which I refer your Lordships for the particulars of my transactions during that time, which I hope have been such as will meet with your Lordships' approbation. I would also have sent journals during the Presidents' administration, between the death of Mr. Rogers and my landing, but that the Minutes of Council for that time have been secreted, as well as the acts of Assembly, and the only reason I can assign for so extraordinary an event, is that the Presidents did not take the oaths enjoin'd by law to observe the acts of Trade, of which their friends believe they should be convicted were the Minutes to appear, *etc.* Since my last I have sworn in Thomas Lorey, Esq. a member of the Council, which makes the number now upon the island seven, and I beg leave to recommend William Smith, James Scott, Robert Archbold, Nicholas Rowland, John Thompson, senr., William Hale, William Spatchers, junr., Thomas Walker, John Walker, Paul Newball, Joseph Ingham and John Thompson, junr. as the fittest persons at present in this Government to fill up any vacancies that may happen by the gentlemen appointed by H.M. Instructions not returning to this island, *etc.* I am not unacquainted that it is likewise my duty to send your Lordships an exact list of the number of inhabitants both white and black on these islands, but tho' I have been endeavouring to obtain such a list ever since my arrival, I have not yet been able to accomplish it, by reason I cannot prevail with the people to do anything but what they are forced to do, wherefore your Lordships may observe by the Council journals, that I was at last under a necessity of making an order of Government to oblige them to give in their names to the Secretary's office by a certain day, tho' at the same time I do not believe they will readily comply therewith, for they are a most unruly people, long used to contemn the Government with impunity. I beg leave to represent to your Lordships that it has been all along accustomed for the inhabitants of these islands to pay the Lords Proprietors, a tenth part of all salt rak'd, braziletto and other woods cut upon their lands, which has usually been applyed towards the support of the Government, but the people being informed that the King has purchased the soil from the Proprietors, they have refused since my arrival to pay any such acknowledgements, tho' at the same time the revenue here is so very small, as not to be near sufficient to defray our little necessary contingencys, for which reason, and because I did not think it proper to give up the right of the Crown, which I apprehend these tenths now to be, I did oblige every man that went to get salt this year



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to enter into bond for H.M. use to be accountable for the tenth part of all they should rake, whenever the Governor or Commander in Chief for the time being should require the same, but the season having proved so very wet, they have not been able to take three thousand bushels in the whole Government, however as this is an accident has not happened in the memory of the oldest man on these islands and may not happen in an age again, I beg your Lordps.' directions how to act in this affair for the future. The Engineer that was sent over with me, came to me the beginning of the last week, and desired that we might agree upon the report and estimate we were directed to make *etc.*, in order to be wrote over fair, whilst he was finishing the plans and drawings, which he propos'd to get done in five or six days, that he might be ready to return to England, in a ship that was to sail about the latter end of the week, but in the mean time he dyed of a feaver, before either the report or estimate could be transcribed, or he had finished the drawings, therefore I judged it most proper to send my Lord President the report and estimate as the Engineer and I had agreed upon them, also the said plans and other drawings just as he left them, which I humbly presume will be referr'd to your Lordships., therefore I beg your Lordships. will in regard to the defenceless condition of this place (of which I acquainted you in my letter of 10th. Feb.) continue your good offices with H.M., for speedily finishing those works and repairs your Lordships have so long judged necessary for the preservation of these islands. I don't know whether it will be deemed a fault in us, that we forgot to mention in the report Mr. Phenny's having agreed that in case payment is ordered him for his house, which stands upon the ground whereon the new works are proposed to be erected, and wherein I now live, in eighteen months to be accounted from my arrival here, he will not insist upon any rent to be paid him by the country or me during that time. Upon casting up the aforesaid estimate since the death of the Engineer, I find the execution of his plan will come to a much larger sum than I imagined it could or he ever proposed to me it should, which is no fault of mine by reason I daily told him to avoid as much as he could running into any unnecessary expence, the sum total of which estimate is £12,202 9s. 5½d. *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 3rd Oct., 1734, Read 30th July, 1735. 3 pp. [C.O. 23, 3 ff. 116-117 v.]

July 9.  
Whitehall.

**234.** Council of Trade and Plantations to the King. An Act was passed in your Majesty's Island of Barbados on the 10th day of Decr. last entituled *An Act for the further better and more certain regulating the fees of the several officers and Courts of this Island*. We have considered this law, and having heard what could be alledged for the support or disallowance of it by the Agents of Barbados and the Patent Officers of that Island who reside in Great Britain, we beg leave to acquaint your Majesty, that we find this to be a law of an extraordinary nature, for as much as very severe penalties are thereby enacted, to be

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incurred upon the evidence of one witness only, taken before a single Justice of the Peace, by which the properties and rights of the said patentees, who hold immediately of the Crown, are liable to be invaded and destroyed by the malice and wickedness of any one person. And as there is no clause incerted in this Act for suspending the execution of it untill your Majesty's pleasure should be known thereupon; we humbly take leave to lay the same before your Majesty for your disallowance. [*C.O.* 29, 15. *pp.* 436, 437].

July 10.  
Whitehall.

**235.** Council of Trade and Plantations to Lord Harrington. Enclose following to be laid before the King. *Annexed,*

235. i. *Same* to the King. Submit drafts of instructions for Governor Cunningham, (i) General, (ii) relating to Acts of Trade and Navigation.

*Continue* :—In which we have made no alterations or omissions from such General Instructions as your Majesty has already offered to your other Governors in America, except in the following articles, vizt., We have omitted the 13th Article given to Major General Hunter *etc.* concerning the manner of electing members of the Assembly, the same having been provided for by an act passed in Jamaica now confirmed and rendered perpetual by the Crown, *appointing the number of the Assembly etc.* To the 23rd Article of this draught which prescribes rules to be observed by the Governor in passing private acts, we have thought proper for the greater caution to add the following words, “and that a certificate under your hand be transmitted with and annexed to every such private Act, signifying that the same has passed thro’ all the forms above mentioned.” In the present draught we have omitted that part of the 21st Article of the late Instructions to Major General Hunter which related to the passing a law for granting a revenue to your Majesty, *etc.* and for perpetuating the laws *etc.*, a law having been lately passed to this purpose, which renders the said Instruction unnecessary. Your Majesty having been graciously pleased to order 6 Independant Companys to Jamaica for the defence of that island, we have formed a new Instruction in that behalf, which makes the 29th Article of the present draught, in the following words vizt. :—“and whereas upon application to us from the Council and Assembly of our said Island, representing to us the great danger the inhabitants thereof are exposed to from the rebellious and runaway negroes there, and from the invasion they apprehend of foreign enemies in case of a war; and therefore beseeching us to send them aid and assistance, we have been graciously pleased to order six more Independant Companies to that island for their protection and defence; It is therefore our will and pleasure, that you recommend to the Assembly in the most effectual manner, that provision be made for the reception of the said Companies as likewise for their subsistence, as hath been usual for the other two Companies now there, so long as the circumstances of the island shall require their continuance at Jamaica.”



1734. [235]

In the 39th Article of the present draught whereby rules are prescribed for the improvement of your Majesty's quit-rents in Jamaica, we have thought proper in order to render the same more effectual to add the following words : " and whereas we are given to understand that an Act was passed in that Island in 1703, entituled An Act for ascertaining, establishing and more speedy collecting H.M. quit-rents in which are many good clauses for that purpose ; It is our will and pleasure, that you make full enquiry what effect the said Act has had, whether the same has been effectual and has answered the end proposed thereby, and if not, what is still further wanting for the purposes aforesaid, and give an account of all your observations thereon as soon as conveniently may be after your arrival in that Government, unto us and our Commissioners for Trade and Plantations. Lastly we have omitted in the present draught such parts of the 95th Article of the last Instructions as related to the tryal of pirates taken in the Bahama Islands, your Majesty having been pleased to grant a Commission for that purpose to Mr. Fitzwilliam your present Governor of the Bahamas. *Annexed,*

235. i. Draught of H.M. Instructions to Governor Cunningham *as stated above.* [C.O. 138, 17. pp. 419-482.]

July 10.  
Kensington.

**236.** H.M. Warrant appointing John Beswick Clerk of the markets in South Carolina. *Countersigned,* Holles Newcastle. *Copy.* [C.O. 324, 50. pp. 99, 100 ; and 324, 36. p. 466.]

July 11.  
Kensington.

**237.** Order of King in Council. Ordering that Charles Dunbarr be appointed a Councillor in ordinary in the several Governments of Barbados, Bermudas and the Leeward Islands as vacancies shall happen, care being taken in such case, that the Councils in the said several Governments do not exceed the number of twelve according to their original and established institutions including the said Dunbarr *etc.* *Signed,* Ja. Vernon. *Endorsed,* Recd. 31st May, Read 12th June, 1735.  $2\frac{1}{4}$  pp. [C.O. 28, 24. ff. 59-60 v. ; and 5, 21. ff. 39-40.]

July 11.  
Kensington.

**238.** Order of King in Council. Appointing Temple Laws to the Council of Jamaica in the room of James Laws decd. *Signed,* Ja. Vernon. *Endorsed,* Recd. 31st May, Read 12th June, 1735.  $1\frac{2}{3}$  pp. [C.O. 137, 21. ff. 139, 139 v., 143 v. ; and 137, 55. ff. 67, 67 v.]

July 12.  
Boston.

**239.** Governor Belcher to the Duke of Newcastle. I did myself the honour of addressing your Grace the 2nd of this month, since which I have adjourn'd the Assembly of this Province to the 11 : of Septembr. next, and I now inclose to your Grace their Journal. I have good reason to believe this Assembly will come together still more dispos'd to H.M. honour and service, and to the welfare of their country. As we are not quickly expecting any advices from Great Britain, and not foreseeing that H.M. service will at present necessarily require my attendance in this part of the Province, I intend to imbarck Munday 15 : curt.

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aboard H.M.S. *Scarboro'*, Capt. Durell, to view all the rivers and harbours on the Eastern shore of this Province to the River St. Croix, which I take to be the boundary between H.M. Provinces of the Massachusetts Bay and Nova Scotia, and I hope to return hither in 14 or 20 days, and then to do myself the honour of writing your Grace again; in the mean time I beg the favour of your Grace to expedite the Royal Leave for my support, that while my whole life is spent in H.M. service I may not suffer in my private fortune *etc.* *Signed*, J. Belcher. *Endorsed*, R. 30th Dec. 3 pp. [C.O. 5, 899. ff. 102-103 v.]

July 13.  
London.

**240.** Col. Purry (to [? *Mr. Popple*]). Explains his case relating to grants of land taken up by Messrs. Thorpe, Roberts *etc.* within the six miles contiguous to Purrysburg, which will put a stop to the immigration of the Swiss Protestants *etc.* *Prays* for help and protection *etc.* v. 18th April. *Signed*, Jean Pierre Purry. *Endorsed*, Recd., Read 16th July, 1734. *French*. 6 $\frac{3}{4}$  large pp. [C.O. 5, 363. ff. 78-81 v.]

July 13.  
Virginia.

**241.** Lt. Governor Gooch to the Council of Trade and Plantations. The sole occasion of my giving your Lordships this trouble is to inclose the accots. of H.M. Revenue, and the lists of ships entred and cleared since my last dispatch of this kind. These I hope will afford your Lordships an agreeable view of the Revenue and trade of this Colony upon which the support of the Government and the prosperity of the subject depend. I shall defer sending the Council Journals until I can accompany them with those of the Assembly which is to sitt the 22nd of next moneth that I may not give your Lordships unnecessary interruptions when there are nothing in them but what is common to be treated of. I am with the duty and respect which become me *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 17th Sept., 1734, Read 13th Aug., 1735. 1 p. *Enclosed*,

241. i. Account of H.M. Revenue of 2s. per hhd., 25th Oct. 1733—25th April, 1734. *Totals*: Receipts (including balance, £7,780 16s. 11 $\frac{1}{2}$ d.): £8,592 9s. 6 $\frac{1}{4}$ d. Expenditure: £2,426 18s. *Signed and sworn to by* John Greymer. *Audited by*, John Blair, D. Audr. *Endorsed*, Recd. Sept. 17, 1734. 2 pp.

241. ii. Account of H.M. Revenue of quit-rents, 25th April, 1733—1734. *Totals*: Receipts (including balance of £6,180 11s. 6d.): £9,283 16s. 3d. *Expenditure*: £1,317 8s. 10d. *Signed, audited and endorsed as preceding.* 4 pp. [C.O. 5, 1323. ff. 128, 129 v., 131-133 v., 134 v.]

July 13.

**242.** Sir William Chapman to [? *the Duke of Newcastle*]. Encloses following draft of petition "as it is now intended to be laid before H.M. in Council" *etc.* *Remarks* (i) that though Mr. Da Costa laid before the Attorney and Solicitor General several precedents of grants of the like nature, their report is confined to those of the two first reigns only (Hen. VII and James I), and calls it propagating the Christian religion by very



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unchristian methods; and (ii) that the clause of prudential secrecy as to the situation of the place is omitted in the petition as now drawn *etc.* *Signed*, William Chapman. 1 p. *Enclosed*,

242. i. Petition of John Da Costa of London, Merchant, in behalf of himself and several other merchants *etc.*, to the King in Council. There is a tract of land in America bordering on the sea above 800 miles in length wherein petitioner hath lately made discovery of a place wch. lyes above 400 miles distant from any European settlement, and wch. tract of land is in the possession of the original natives and was never possessed by any Christian Prince or State. The said country abounds with very valuable commodities and necessaries for the support of life, and from the happy situation thereof, the dependancy this Nation hath on others trading to that Continent may be hoped to be considerably lessened if not intirely removed. The prospect of the great advantages this Nation may expect from the consequent trade to the said intended place (if possession thereof should be taken) hath prevailed with several merchants and others to be aiding and assisting your petitioner in taking possession of the said country, were they assured of H.M. royal protection, and of H.M. granting them the countries so to be discovered *etc.*, rendering to H.M. the usual proportion of gold, silver and precious stones to be found therein *etc.* *Copy*. 1 p.

242. ii. Report of Attorney and Solicitor General upon the petition of Mr. da Costa. The petition laid before us has several precedents in Rymer's *Fœdera* of Commissions of the like nature as that which is prayed by the petitioner, granted to John Caboto and Sr. Walter Raleigh *etc.* But those being in the infancy of these discoveries and being founded on a pretended zeal for propagating the Christian religion by very unchristian methods, we think that they are precedents not proper to be followed at this time: and as the petitioner does not think fit to discover and describe particularly where that tract of land lyes *etc.*, but prays a commission to take possession of any countrys or places whatsoever in America as yet not frequented and not inhabited by any of your Majestie's subjects nor actually in the possession of any Christian Prince or State, we think it not advisable to trust the petitioner with so unlimited a power, which he may possible exercise not only contrary to the Law of Nations but contrary to the intrest of your Majesty and these Kingdoms. *Signed*, J. Willes, D. Ryder. Aprill 15th, 1734. *Copy*. 1 p. [*C.O.* 5, 5. ff. 83, 85, 87.]

July 16.  
Whitehall.

243. Mr. Popple to Mr. Fane. Desires his opinion in point of law, as soon as possible, upon the following case and query.

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The King, after he made ye purchase of Carolina *etc.*, by which he became intituled to all the land not taken up *etc.*, gave directions to his Governor, to mark out eleven townships consisting of 20,000 acres each, and declared by his 43rd Instruction *etc.*, that to the intent that land near the townships may not be wanting for the convenience of the inhabitants *etc.*, no persons except the inhabitants shall be allowed to take up lands within 6 miles of the said townships *etc.* And by his 45th Instruction does further declare that "no person claiming a right to take up land in S. Carolina by former grants, from the late Lords Proprietors, be allowed to take up land within 6 miles of these townships by virtue of such grants." The Governor did accordingly abt. May, 1731, set out one of the said townships, by the name of Purrysborough *etc.* and did by proclamation signify the King's prohibition of any persons taking up land within 6 miles thereof. Notwithstanding which several persons have since, under pretence of old grants from ye Proprietors, taken up ye greatest part of ye sd. land lying within ye six miles of Purrysborough. *Query*, whether ye township of Purrysborough, being pursuant to these Instructions set out for the use of certain people, and the King's having declared, *as in 45th Instruction above*, is not deemed an effectual taking up of ye sd. land for H.M. use, so as to invalidate ye claim of any person, who subsequent to ye sd. Instructions and proclamation, shall have taken up land there. [C.O. 5, 401. pp. 95A, 96A.]

July 16. **244.** Proclamation by Governor Johnson, Sept. 1st, 1731, forbidding the running out of lands within 6 miles of Purrysburg *etc.* *Endorsed*, Reed. (from Capt. Simmons). Read 16th July, 1734. *Copy*. 2½ pp. [C.O. 5, 363. ff. 82-83 v.]

July 16. **245.** Receipt from the Council Office for two petitions and an Address by the Governour, Council and Assembly of S. Carolina *etc.* 1 p. [C.O. 5, 383. f. 13.]

July 18. **246.** Lt. Governor Armstrong to the Duke of Newcastle. Having already represented to your Grace several things relating to this Province, I shall not at this time presume to make repetition further than to put your Grace in mind of us and to honour us with your necessary commands. The inclosed is a representation of the present state of the Province, and of the condition we shall be reduc'd to in case of a war with France, signed by all the officers both civil and military which we hope your Grace will lay before H.M. I must not omit, as I am required to represent all occurancys to your Grace, and as H.M. service is at stake, reminding you of the difference still subsisting between Majr. Cosby and me in relation to the command; being thereby impeded from doing my duty and answering the end of my Commission; in contempt of which he having not only refused to receive orders and to serve under me, but actually withdrawn and absented himself from the service; I must also beg your Grace to represent this his unpresidented conduct to H.M. for his

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Royal.



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Royal Consideration. By the inclosed papers which I heartily recommend to your Grace's perusal, you will see how I have been prevented from visiting Canso and some other parts of the Province, which as it was my design and as I have formerly advised your Grace, I was going to embarque but upon information of Majr. Cosby's intentions of reassuming the command, I am advised by all the officers here in order to preserve the peace and tranquility of this place not to proceed, so that unless our difference is decided, H.M. service must needs suffer, which I heartily recommend to your Grace. *Signed*, L. Armstrong. 2 pp. *Enclosed*,

246. i. Address of the Lt. Governor, Council, Officers and Inhabitants of Nova Scotia to the King. Annapolis Royal. July 13, 1734. *Congratulate* H.M. on the marriage of the Princess Royal with the Prince of Orange *etc.* *Signed*, L. Armstrong, P. Mascarene and 12 others. 1 large p.

246. ii. Address of the Lt. Governor, Council, Officers Civil and Military and British Inhabitants of Nova Scotia to the King. Annapolis Royal. July 13, 1734. We, your Majesty's most loyal and faithful subjects *etc.*, think it our duty from the posture of the present affairs in Europe to represent to your Majesty the defenceless state of this your Province which in case of a war with France will be in imminent danger. The neighbourhood of the French who have settled Cape Breton and have for these many years past been at great pains and expence to fortifie the harbour of Lewisbourg, St. Peters and the Island of St. Johns will be a continual annoyance to us, as they can at pleasure send out privateers and thereby stop our supplies and destroy our fishing vessels and by their emissaries influence the French inhabitants of this Province who by your Majesty's indulgence and clemency were suffered to remain in the enjoyment of their estates on their taking an oath of allegiance, which oath they believe binds them no further than to keep a neutrality and which we are apt to think will prove too slender a tie to keep them either to that or to hinder them from supporting or even joining in the attempts that those of Cape Breton and Canada in conjunction with the Indians may make on us, for the reduction of this Province to the Dominions of France. Some of these attempts we shall not be able to repel, having no vessels of force to curb the insolence of their privateers nor proper instructions and power to proceed against your Majesty's French subjects in case any of them shall be suspected or convicted of treacherously aiding, assisting or countenancing any insults made against us or concealing any such design. Canso, which the French at Cape Breton have all along lookt upon with an envious eye, being just at their doors and most advantageously situated for carrying on the cod and whale Fishery and

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of late years has made a considerable figure in these great branches of trade, lyes naked and defenceless without so much as barracks to lodge the four Companies of Colo. Philipps's regiment which are there for its defence or storehouses to secure the provisions for their support, other than what from time to time have been erected in haste and slightly by the Commanders assisted by the fishermen who resort thither in the fishing season and have contributed thereto both with their hands and purse. This place which is and may still become of great importance to the Crown of Great Britain will inevitably fall into the enemies hands if it be not strengthened by vessels of force and a good fortification and if that place should be reduced to the French power it would sensibly affect this Province in general and even your other Colonys since the fishing there is carried on by your Majestie's British subjects resorting thither from Great Britain or from New England, New York and other your Majestie's Plantations. And as it has been the only place in this Province that can be said to have been frequented all along by a considerable number of British subjects, it hath therefore given great encouragement and support to the British interest here, so that its reduction would not only very much affect those traders who resort thither from the Plantations, but would be a great augmentation of power to the French and render them the more able to annoy this place as well as the other parts along the coasts of New England, which would be continually infested by privateers to the utter destruction of their trade *etc.* We have been informed by our merchants who trade in the country amongst the French inhabitants and the savages that both of them are extremely insolent and much altered in their dispositions of late towards the English; the first makes no hesitation in declaring publicly the assurance they have of assistance from France for the reduction of this Province and the latter being thereby encouraged have already attempted to commit depredations. So that we must naturally expect upon the first declaration of war that the French in conjunction with the Indians will fall on Canso and besiege this place also by land and with their privateers by sea deprive us of the necessary supplies which comes at certain set times from abroad as we shall be of all necessaries from the country itself. Whereas Cape Breton by the way of harbours in the Bay Verte and others on our eastern coast may be, as they all along have been, constantly supplied with all these necessaries from the inhabitants of this Province. And whereas Canso, from whence for want of protection several merchants have already retired with their effects, is in a much more deplorable state and condition than Annapolis



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Royal, pray H.M. to consider what is here represented *etc.* *Signed*, L. Armstrong, Lt. Gov., P. Mascarene, and 12 others.  $2\frac{3}{4}$  large pp.

246. iii. Major Cosby to William Sheriff, Secretary to the Council of Nova Scotia. Annapolis Royal. 7th May, 1732. Announces his withdrawal from the Council, "until I acquaint H.M. with my reason" *etc.* *Signed*, Alexr. Cosby. *Copy*.  $\frac{3}{4}$  p.

246. iv. *Same* to Capt. John Jephson, Acting Fort Major. 8th May, 1732. Lays down his commission. "I cannot with honour, nor will not serve any longer under Governour Armstrong" *etc.* *Signed*, Alexr. Cosby. *Copy*.  $1\frac{1}{4}$  pp.

246. v. (a) Deposition of Major Philipps, and Major Cope. July 16, 1734. Governour Armstrong being informed that Govr. Cosby intended to reassume the command of this Garrison in his absence, being now bound to Canso, acquainted him, through deponents, that if Governor Cosby would not give it under his hand that he would remain tranquil as a private gentleman and not resume any command during his absence or till the King's pleasure should be known, he would be obliged to carry him with him to Canso, and from thence send him to England in the man of warr. Cosby answered, that he was ready to obey Governor Armstrong's orders, so far as suited with his commission, but did not understand above message and must take care of himself. *Signed*, Eras. Jas. Philipps, Fort Major, Hen. Cope.

(b) Deposition of Major Philipps. July 16, 1734. Deponent acquainted Govr. Cosby with Govr. Armstrong's order that he prepare himself to go on board the sloop *George* for Canso and England. He replied that having H.M. commission as Lt. Governor, he dared not leave this place without H.M. special orders, more particularly now that there is daily expectation of war, for which reason he would not even go, if he had the King's leave *etc.* *Signed*, Eras. Jas. Philipps.

(c) Minute of Governor Armstrong's communication to the Officers of the Garrison upon the above, and their answer. Governor Armstrong informed them that, Major Cosby having refused to obey his orders and withdrawn himself from H.M. service, he had appointed Major Mascarene to command both in the civil and military capacity during his absence. He invited their opinion whether any person in H.M. service can relinquish his command and reassume it at pleasure, and whether Major Mascarene ought not to be appointed as next in command to Cosby *etc.* They replied that the question was more proper for a Court Martial; that Cosby not having yet been tried, and his case pending before H.M., he had not yet forfeited his Commissions as Lt. Governor of the Garrison and Major of the Regiment, and they must

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obey him as such. If therefore H.E. would not allow him the command in his absence, they considered that it would be much better for the quiet and peace of the Garrison, that he should defer his voyage to Canso *etc.* 16 Signatures, including Eras. Philipps, Will. Skene and P. Mascarenc. *The whole*, 6 pp. [C.O. 217, 39. ff. 116, 116 v., 118 v., 119, 120–121, 122, 123–126 v.]

July 20.  
Antigua.

**247.** Governor Mathew to Mr. Popple. Encloses, Minutes of Council, Montserrat, 28th March—24th June, 1734, and of Assembly, 25th March—25th April, 1734; Minutes of Assembly, Nevis, 4th April—25th June, 1734, and duplicate transcript of Minutes of Assembly, Antigua, 21st Jan.—15th March, 1733. Signed, William Mathew. *Endorsed*, Reed. 25th Oct., 1734, Read 30th July, 1735. *Holograph*. 1 p. [C.O. 152, 21. ff. 88, 91 v.]

July 22.  
Kensington.

**248.** H.M. Warrant appointing Temple Laws to the Council of Jamaica. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 468.]

July 22.  
Kensington.

**249.** H.M. Warrants appointing Charles Dunbarr to the Councils of Barbados, Bermuda and the Leeward Islands upon the first vacancies therein. *Countersigned*, Holles Newcastle. *Copies*. [C.O. 324, 36. pp. 469, 471 i; and 324, 50. pp. 27, 28, 44, 47, 48.]

July 23.  
Whitehall.

**250.** Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations their report of 22nd March, 1733, upon Act of S. Carolina for appropriating £104,725 1s. 3½d. towards payment of the publick debts *etc.*, for their reconsideration, together with petitions preferred by the merchants of London and Bristol against the act; a remonstrance from the Governor, Council and Assembly and a petition by Col. John Peter Purry, both in support of it *etc.* Signed, Ja. Vernon. *Endorsed*, Reed. 25th, Read 30th July, 1734. 1 p. *Enclosed*,

250. i. Copy of Representation of Council of Trade. March 22, 1733.

250. ii. Remonstrance of the Governor of Council and Assembly of S. Carolina to the King. April 9, 1734. The former calamitys of this Province on account of the Spanish and French invasions, and the wars of Indians, which they promoted against it, having about eighteen years ago obliged your Majesty's subjects of this Province to contract so large a debt in supporting of garrisons, and forming expeditions both by land and sea, for many years together, that there was no other expedient then to be used immediately and effectually to provide for the same but by paper bills of credit, for which the publick became indebted; a great part of which have since been cancell'd, partly by a tax levyed on the inhabitants, and partly by dutys which arose heretofore



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from the importation of goods and negroes. The residue your Majesty was graciously pleased to admit us to continue as currency, that your Majesty's Province might not be wholly destitute of money : that being the only legal currency which we have since had in use among us : and though the quantity remaining is very insufficient to answer the exigencies of our present traffick we are surprized to hear that a Petition was lately preferred to your Majesty, said to be "The Petition of several Merchants, and others of the City of London trading to your Majesty's Province of South Carolina " setting forth, " that by an Act of the General Assembly of this Province for appropriating £104,725 towards payment of the publick debt, which was passed with the assent of your Majesty's present Governor, the funds which were settled for calling in and sinking the paper bills of credit formerly issued in this Province being £106,000 are diverted and misapplied, and that a further sum of £104,725 and upwards of paper credit is imposed on your Majesty's British subjects contrary to the publick faith and credit of this Province ; and that an attempt has been likewise lately made to raise a further sum of £250,000 in paper credit. All which (the Petitioners say) tend to the great detriment of trade and are highly injurious to the properties of your Majesty's British subjects ; and expresly repugnant to several of your Majesty's royall Instructions to your Majesty's Governour here. And that by the said Act an exorbitant duty of ten pounds per head is imposed and continued on negroes imported to the great damage of the manufacture and trade of the Kingdom of Great Britain ; whereby they pray that your Majesty wou'd be pleased to repeal the said Act and that no duty may be imposed for the future on any negroes imported to this Province." All which allegations of the said Petitioners we must beg leave to say, are very unfairly stated to your Majesty, for that the said Appropriation law (which the said Petitioners so greatly complain of) took its rise from your Majesty's Royall Instructions to your Majesty's present Governour here, allowing him to assent to a law that the duty upon negroes might for seven years be continued, and the application thereof suspended from calling in and sinking the remaining part of the paper currency, and the same be appropriated to pay for the surveying your Majesty's townships, and to pay for the passage, provisions and tools of poor Protestant families, that shou'd come here to settle for the defence and improvement of your Majesty's Province. All which the said law provided by appropriating the sum of five thousand pounds currency per annum for the purposes specified in your Majesty's said Royall Instruction, which sum was then deem'd

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an annual sufficiency to accomodate any number of poor Protestants that we cou'd expect here, and if a greater supply shou'd be wanting, it was agreed by the General Assembly of this Province that from time to time suitable provision shou'd be made for the same which has been actually fulfilled, there being no more than the sum of five thousand pounds currency per annum, which has since been applied for that good purpose and has proved an inviting encouragement to a considerable number of poor Protestant people to come over from Europe and settle among us who are thereby now comfortably accomodated in several of your Majesty's townships, and many more upon that encouragement are now engaged and daily expected here from Switzerland. As the rest of the fund wou'd but lye dead unless the same was immediately appropriated : we therefore thought it a becoming aeconomy to apply the residue towards the discharge of a debt which heretofore became due from the publick on account of Indian presents, inland forts, scouts, garrisons and rangers, which before your Majesty's purchase we were and still are under a necessity peculiar to this Province unknown to any other part of America in a time of peace to keep in pay for the ordinary defence of the country. Which relief to the old inhabitants has since enabled them to assist newcomers in furtherance of your Majesty's Royall intention ; which they have liberally shown by lately raising two thousand pounds for the use of Georgia ; and also further affording them guards and rangers at the annual expence of five thousand five hundred pounds per annum levied by a tax on the inhabitants of this Province. But the incurr'd charge we were not in a condition then to provide for by levying of taxes over and above the common contingences without driving away many of the old inhabitants at a time your Majesty was graciously pleased by your said Royall Instruction so liberally and charitably to provide for new ones. We were therefore obliged to issue orders upon interest on the credit of that duty, as well to provide for the expected arrival of poor Protestant settlers as to preserve the faith of the publick, which was so necessarily before engaged for the defence and care of the Province. Those orders the Petitioners are pleased to call a further sum of one hundred and four thousand seven hundred and twenty-five pounds of paper credit, imposed on your Majesty's British subjects, twenty-seven thousand pounds of which were immediately sealed up in the Treasury, were never issued but faithfully cancelled by a Committee of both houses, and the rest are not in the least enforced by way of payment only in case of the merchants are made receivable by the Treasurer for the better discharge of the



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dutys, and are all to be duly sunk as they come into our Treasury in a course of payment, which must all be done within the space of four years more, at which time by their very tenor they will totally expire. We are at a loss to know upon what foundation the Petitioners shou'd so confidently complain to your Majesty against the continuance of the negroe duty, and the paper currency in use among us, when some of these very petitioners, with several other merchants of the City of London did heretofore petition to the Right Honoble the Lords Commissioners of Trade and Plantations in Great Britain to recommend to your Majesty that you wou'd be graciously pleased to allow the General Assembly of this Province to pass a law, that the law for sinking the paper currency might for seven years be suspended. Which your most sacred Majesty was graciously pleased by your Royal Instructions to your present Gouvernour to admit accordingly on the earnest request of many planters and merchants in that particular, which very law the Petitioners now oppose, and endeavour to get disannulled by your Majesty, we are in these circumstances very unfortunate to be under a necessity of answering complaints against a law, which took its rise from the said merchants' representation and request as is set forth in your Majesty's said gracious Instruction. The Petitioners had a little reason to charge the Assembly of this Province with an attempt lately made to raise a further sum on paper credits, by cavilling at a scheme which was lately here on foot to give our currency a value, and to establish the same on a better basis ; which we were not in a condition then to accomplish, but hope it's practicable, that still we may with due conformity to your Majesty's Royall Instruction and with equal convenience, as well to the trading as the planting interest : for since your Majesty's subjects of this Province have had the happiness of being under the immediate care and protection of your most sacred Majesty a very sensible increase of our trade naturally requires an increase of our currency, our yearly exports are hardly short of one hundred and ten thousand pounds sterling, and not above one hundred and five thousand pounds left of a wasting paper currency for the use of our inland traffick which in the whole does not exceed the sum of fifteen thousand pounds sterling. We therefore hope your Majesty will be graciously pleased to reject the said Petition ; and not be deprived of the many advantages accruing to your Majesty's service from the continuance of the duty on negroes imported, which is only to continue about four years longer : and what the Petitioners call an exorbitant duty of ten pounds per head is only equal to twenty-eight shillings and sixpence sterling. For shou'd your

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Majesty be pleased to comply with the request of the Petitioners, some of whom are utter strangers as well to the proceedings, as to the condition of this Province, by your Majesty's disannulling those laws for establishing the negroe duty for seven years and for appropriating the same which now lye before your Majesty for your Royall Assent and approbation ; it wou'd not only be impossible for your Majesty's subjects of this Province at this critical juncture to raise by any extraordinary taxes so large a sum as that fund wou'd require, over and above the necessary charges which we already find so burthensome ; and in case of a war must (we fear) be very grievous ; but the poor Protestant families must go back disappointed who come here in expectation of the bounty designed by your Majesty's Royall Instruction and the whole country must inevitably be put into the utmost confusion by annihilating those orders, which principally depend on the duty upon negroes. The sudden distruction of which before they are legally paid in, and cancelled wou'd at this time prove an irreparable loss to many British merchants trading to this Province, in the hands of whose factors the greatest part of those orders are center'd. The importation of negroes, we crave leave to inform your Majesty, is a species of trade that has exceedingly increased of late in this Province where many negroes are now train'd up to be handicraft tradesmen, to the great discouragement of your Majesty's white subjects, who come here to settle with a view of employment in their several occupations, but must often give way to a people in slavery : which we daily discover to be a great obstruction to the settlement of this frontier with white people. So, that we must most humbly suggest to your Majesty the said Petition was never duly weighed by the persons that subscribed it, who trade to this Province in British manufactures, but was rather projected by a few negroe merchants and some other designing persons, who have several debts of that paper credit, now outstanding, upon mortgages, judgments, and other good securitys ; who by destroying the currency must unquestionably procure possession of the greatest part of the estates real and personal in this Province. And the merchants that deal in British manufactures prove at length the final sufferers, whose debts are outstanding on the weaker foundation of book accounts and personal promises. *Signed*, (in the Council Chamber, the 9th day of April, 1734) Robt. Johnson, Thos. Broughton Presdt., Paul Jenys Speaker.

9½ pp.

250. iii. Petition of Col. John Peter Purry to the King. The repeal of abovementioned act, passed for encouraging the new comers, would deprive those Protestants he has already settled there, and those now going thither of the



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necessary assistance. They would be utterly unable to subsist *etc.* *Set out*, A.P.C. III, p. 393. *Copy.* 2 pp. [C.O. 5, 363. ff. 86, 87-90, 91-95 v., 97, 97 v., 99 v.]

July 23.

**251.** Mr. Fane to the Council of Trade and Plantations. In obedience to your Lordships' commands signified to me by Mr. Popple desiring my opinion in point of law whether the townships of Purrysbourg in Carolina being pursuant to H.M. Instructions set out for the use of certain people and H.M. having declared that all the land within six miles thereof shall not be taken up by any person claiming a right under old grants which have not been taken up shall not be deemed such an effectual taking up of the said lands for H.M. use as to invalidate ye claim of any person who shall subsequent to the said Instructions and proclamation take up land there : and I humbly certify to your Lordships that I think the grantees of the late Lords Proprietors under the general power granted to them of taking up such quantities of land in such places as they shall think fit, since they neglected to do it previous to H.M. Instructions and declaration, shall not now be permitted to pitch upon lands already settled but must have the effect and operation of their grants upon lands now unsettled, *etc.* *Signed*, Fran. Fane. *Endorsed*, Recd., Read July 23, 1734. 1¼ pp. [C.O. 5, 363. ff. 84, 84 v., 85 v.]

July 23.

Whitehall.

**252.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Ja. Vernon. *Endorsed*, Recd. 25th, Read 30th July, 1734. 1 p. *Enclosed*,

252. i. Memorial of Governor, Council and Assembly of S. Carolina to the King. 9th April, 1734. Representation of the state of S. Carolina. Your Majesty's *etc.* most dutiful subjects of this Province having often felt with hearts full of gratitude, the many signal instances of your most sacred Majesty's peculiar favour, and protection to these distant parts of your Dominions ; and especially those late proofs of your Majesty's most gracious and benign care, so wisely calculated for the preservation of this your Majesty's frontier Province on the Continent of America by your Royall Charter to the Trustees for establishing the Colony of Georgia, and your great goodness so timely applied in promoting the settlement of the Swiss at Purrysburgh, encouraged by such views of your Majesty's wise, and paternal care extended to your remotest subjects ; and exited by the duty which we owe to your most sacred Majesty to be always watchful for the support and security of you Majesty's interest, especially at this very critical conjuncture when the flame of a war breaking out in Europe may very speedily be lighted here in this your Majesty's Frontier Province, which in situation is known to be of the utmost importance to the general trade and traffick of America. We therefore, your Majesty's most faithful

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Governor, Council and Commons convened in the General Assembly of your Majesty's Province of South Carolina, crave leave, with great humility, to represent to your Majesty the present state and condition of this your Province, and how greatly it stands in need of your Majesty's gracious and timely succour in case of a war to assist our defence against the French and Spaniards or any other enemys to your Majesty's Dominions ; as well as against the many nations of savages which so nearly threaten the safety of your Majesty's subjects. The Province of Carolina, and the new Colony of Georgia are the Southern frontiers of all your Majesty's Dominions on the Continent of America : to the south and south west of which is scituate the strong castle of St. Augustin, garrison'd by four hundred Spaniards, who have several nations of Indians living under their subjection ; besides several other small settlements or garrisons near the Appallatchys, some of which are not eighty miles distant from the Colony of Georgia. To the south-west and west of us, the French have already erected a considerable town near Fort Thoulouse on the Moville River, and several other forts and garrisons ; some not above three hundred miles distant from our settlements. And at New Orleans on the Mississippi River since her late Majesty Queen Ann's warr, they have exceedingly increased their strength and traffick ; and have now many forts and garrisons on both sides of that large river for several hundred miles up the same. And since his Most Christian Majesty has taken out of the Mississippi Company the government of that country into his own hands, the French natives of Canada come daily down in shoals to settle all along that river ; where many regular forces have of late been sent over by the King to strengthen the garrisons in those places ; and according to our best and latest advices, they have five hundred men in pay constantly employed as wood-rangers to keep their neighbouring Indians in subjection, and to prevent the distant ones from disturbing their settlements. Which management of the French has so well succeeded, that we are very well assured, they have wholly now in their interest, and under their influence the several numerous nations of Indians that are situate near the Mississippi River ; one of which called the Chaactaws by estimation consist of about five thousand fighting men : and who were always deemed a very warlike nation, lyes on this side the river, not above four hundred miles distant from our out settlements ; among whom as well as several other nations of Indians many French Europeans have been sent to settle whom the priests and missionarys among them encourage to take Indian wives ; and use divers other alluring methods to attach the Indians the better to the French



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alliance. By which means the French are become thoroughly acquainted with the Indian way of warring, and living in the woods ; and have now a great number of white men among them able to perform a long march with an army of Indians upon any expedition. We further beg leave to inform your Majesty that if the measures of France should provoke your Majesty to a state of hostility against it in Europe, we have great reason to expect an incursion will be here made upon your Majesty's subjects, by the French, and the Indians, from the Mississippi settlements they have already paved a way for a design of that nature, by erecting a fort called the Albama Fort *alias* Fort Lewis in the middle of the upper Creek Indians upon a navigable river leading to Moville, which they have kept well garrison'd and mounted with fourteen pieces of canon ; and have lately been prevented from erecting a second nearer to us in that quarter. The Creeks are a nation very bold, active and daring, consisting of about thirteen hundred fighting men (and not above one hundred and fifty miles distant from the Chactaws) whom tho' we heretofore have traded with, claimed and held in our alliance, yet, the French on account of that Fort, and a superior ability to make them liberal presents, have been for some time striving to gain them over to their interest, and have succeeded with some of the towns of the Creeks, which, if they can be secured in your Majesty's interest, are the only nation that your Majesty's subjects can depend upon as their best barrier against any attempts either of the French or their confederate Indians. We most humbly pray leave further to inform your Majesty, that the French at Moville perceiving that they cou'd not gain the Indians to their interest without buying their deerskins (which is the only commodity the Indians have to purchase necessarys with) and the French not being able to dispose of those skins, by reason of their having no vent for them in old France, they have found means to encourage vessels from hence, New York and other places (which are not prohibited by the Acts of Trade) to truck those skins for Indian trading goods especially the British woollen manufactures, which the French dispose of to the Creeks, Chactaws, and other their Indians, by which means the Indians are much more alienated from our interest, and on every occasion object to us that the French can supply them with shrouds and blankets as well as the English : which would have the contrary effect if they were wholly furnished with those commodities by your Majesty's subjects trading among them. If a stop was therefore put to that pernicious trade with the French, the Creek Indians' chief dependence would be on this government and that of Georgia

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to supply with those goods, by which means great part of the Chactaws living next the Creeks wou'd soon see the advantage the Creek Indians enjoy'd, by having British woollen manufactures wholly from your Majesty's subjects, and thereby be invited in a short time to enter into a Treaty of Commerce with us, which they have lately made some offers for; and which if effected will soon lessen the interest of the French with these Indians and by degrees attach them to that of your Majesty. The only expedient we can propose to recover and confirm that nation wholly to your Majesty's interest is by speedily making them presents to withdraw them from the French alliance, and by building some forts among them, your Majesty may be put in such a situation that on the first notice of hostilities with the French your Majesty may be able to reduce at once the Albama Fort, and we may then make a stand against the French and their Indians, which if not timely prepared for before a war breaks out, we have too much reason to fear we may be soon over run by the united strength of the French, the Creeks and the Chactaws, with many other nations of their Indian allies. For shou'd the Creeks become wholly our enemys; who are well acquainted with all our settlements, we probably shou'd also soon be deserted by the Cherokees, and a few other small tribes of Indians, who for the sake of our booty wou'd readily joyn to make us a prey to the French and savages. Ever since the late Indian war the offences given us by the Creeks have made that nation very jealous of your Majesty's subjects of this Province; we have therefore concerted measures with the Honble. James Oglethorpe Esq. who being at the head of a new colony will (we hope) be successful in securing your Majesty's interest among that people. He has already by presents attached the Lower Creeks to the service of your Majesty and has laudably undertaken to endeavour the fixing of a garrison among the upper Creeks, the expense of which is already in part provided for in this Session of the General Assembly of this Province; we hope thereby to prevent the French from incroaching further on your Majesty's territories until your Majesty is graciously pleased further to strengthen and secure the same. We find the Cherokee nation have lately become very insolent to your Majesty's subjects trading among them, notwithstanding the many favours which the chiefs of that nation received from your Majesty in Great Britain, besides a considerable expence which your Majesty's subjects of this Province have been at in making them presents: which inclines us to believe that the French by their Indians have been tampering with them. We therefore beg leave to inform your Majesty that the building and mounting some forts



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also among the Cherokees and making them presents will be highly necessary to keep them steady in their duty to your Majesty, lest the French may prevail in seducing that nation ; which they may the more readily be inclined to from the prospect of getting considerable plunder in slaves, cattle and commoditys, which they very well know we have among us. Several other forts will be indispensably necessary to be a cover to your Majesty's subjects settled backwards in this Province, as also to those of the Colony of Georgia, both which in length are very extensive. For though the trustees for establishing the Colony of Georgia, by a particular scheme of good management, painfully conducted by the gentleman engaged here in that charitable enterprize, have put that small part of the Colony which he has been yet able to establish in a terrible condition against the Spaniards of Florida, which lye to the southward, yet the back exposition of both these Colonys to the vast numbers of French and Indians which border on the westward must in case of a war cry greatly aloud for your Majesty's gracious and timely succor. The expence of our safety on such an occasion we must in all humility acquaint your Majesty either for men, or money can never be effected by your Majesty's subjects of this Province who in conjunction with Georgia do not in the whole amount to more than three thousand five hundred men that compose the militia, and wholly consist of planters, traders and other men in business. Besides the many dangers which by land we are exposed to, from so many enemyes that lie on the back of us : we further beg leave to represent to your Majesty the defenceless condition of our ports and harbours, where any enemyes to your Majesty's Dominions may very easily by sea invade us, there being no fortifications capable of making much resistance. Those in Charles Town Harbour are now in a very ruinous condition, occasioned by late violent storms and hurricanes ; which already cost this country a great deal of money and will now require several thousands of pounds to repair the old, and to build new ones, to mount the ordnance that your Majesty was graciously pleased to send us : which with great concern we must inform your Majesty we have not yet been able to accomplish, being latterly obliged for the defence and support of this your Majesty's Province and Government to raise by a tax on the inhabitants a supply of above forty thousand pounds paper currency p. annum which is a considerable deal, more than a third part of all the currency among us : a charge which your Majesty's subjects of this Province are but barely able to sustain, since by your Majesty's Royall Instruction to your Majesty's Governor here, an intire stop has been put

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to the dutys which before accrued from European goods imported and if a war shou'd happen, or anything extraordinary to be further expensive here, we shou'd be under the utmost difficultys to provide additionally for the same, lest an increase of taxes with the apprehension of danger should drive away many of our present inhabitants as well as discourage others from coming here to settle for the defence and improvement of your Majesty's Province, there being several daily moving with their familys and effects to North Carolina, where there are no such fears and burthens. We must further beg leave to inform your Majesty that amidst our other perilous circumstances, we are subject to many intestine dangers from the great number of negroes that are now among us, who amount at least to twenty-two thousand persons, and are three to one of all your Majesty's white subjects in this Province. Insurrections against us have been often attempted, and wou'd at any time prove very fatal if the French shou'd instigate them by artfully giving them an expectation of freedom. In such a situation we most humbly crave leave to acquaint your Majesty that even the present ordinary expences necessary for the care and support of this your Majesty's Province and Government cannot be provided by your Majesty's subjects of this Province without your Majesty's gracious pleasure to continue those laws for establishing the negroe and other dutys for seven years and for appropriating the same which now lye before your Majesty for your Royal Assent and approbation. And the further expences that will be requisite for the erecting some forts, and establishing garrisons in the several necessary places so as to form a barrier for the security of your Majesty's Province, we most humbly submit to your Majesty your Majesty's subjects of this Province with fulness of zeal, duty and affection to your most gracious and sacred Majesty are so highly sensible of the great importance of this Province to the French, that we must conceive it more than probable, if a war should happen, they will use all endeavours to bring this country under their subjection. They wou'd thereby be able to supply their sugar islands with all sorts of provisions and lumber by an easy navigation ; which to our great advantage is now not so practicable from the present French Colonys. Besides the facility of gaining then to their interest most of the Indian trade in the Northern Continent they might then easily unite the Canadees and Chactaws, with the many other nations of Indians which are now in their interest. And the several ports and harbours of Carolina and Georgia, which now enable your Majesty to be absolute master of the passage through the Gulph of Floriday and to impede at your pleasure the transportation home



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of the Spanish treasure wou'd then prove so many convenient harbours for your Majesty's enemys by their privateers or ships of war to annoy a great part of the British trade to America, as well as that which is carryed on through the Gulph from Jamaica besides the loss which Great Britain wou'd feel in so considerable a part of its navigation, as well as the exports of masts, pitch, tar and turpentine, which without any dependance on the Northern Powers of Europe are from hence plentifully supplied for the use of the British shipping. This is the present true state and condition of your Majesty's Province of South Carolina utterly incapable of finding funds sufficient for the defence of this wide frontier; and so destitute of white men, that even money itself cannot here raise a sufficient body of them. With all humility we therefore beg leave to lay ourselves at the feet of your Majesty, humbly imploring your Majesty's most gracious care in the extremitys we shou'd be reduced to, on the breaking out of a war, and that your Majesty will be graciously pleased to extend your protection to us; as your Majesty in your great wisdom shall think most proper. *Signed* (in the Council Chamber, South Carolina, the 9th day of April, 1734), Robt. Johnson, Thos. Broughton, Presidt., Paul Jenys, Speaker. 13 pp. [C.O. 5, 363. ff. 100, 101-107, 109 v.]

July 24.  
Whitehall.

**253.** Mr. Popple to John Willes, Esq., Attorney General, and Dudley Rider Esq., Sollicitor General. Requests dispatch of bill, now before them, concerning H.M. quit-rents in S. Carolina. [C.O. 5, 401. p. 97.]

July 25.  
Whitehall.

**254.** *Same to Same. States case and submits query as to S. Carolina lands, as in letter to Mr. Fane, July 16 supra. Adds:* The usual custom in this Province, and in all others in America, has been, that previous to grants made to any person, a survey has been made by a proper officer, and upon ye return of such survey, grants have been issued by ye Governor; and in ye case of Carolina, altho' grants or warrants for great tracts of land have frequently been made by the late Lords Proprietors, to particular persons, yet such warrants have generally been directed to ye Governors for ye time being, who upon rect. thereof have issued their warrants for a survey, and upon return of such survey, have made out grants as aforesaid. But there have been some exceptions in Carolina to this general method. And there are some grants from the late Lords Proprietors, wherein there has been a direction inserted to ye Surveyor General, to lay out the land for the grantee, upon application within 20 days' notice of such grants etc. *Annexes copy of Lowndes grant. Continues:* It has been generally esteemed lawful to survey any lands for the purpose aforesaid, provided they had not been already survey'd by legal authority, for any other person. And by this means a

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grantee might come into possession of his land without the knowledge or consent of the Governor. We cannot positively determine upon wt. foundation ye several persons, who have encroached upon ye township of Purrysborough, form'd their rt. of survey, except only one of them, who claims by a mean conveyance, under the grant annexed. But ye question we desire to be resolv'd is whether the King's Instructions together with the Governor's Proclamation *etc.* (v. July 16), which proclamation was subsequent to the marking out of ye township of Purryborough, and previous to the surveys encroaching upon the 6 miles round about the said township, shall have sufficiently ascertained the property of the *said* 6 miles, so as to secure the same from being taken up by any other persons by virtue of any general grants or warrants from the late Lords Proprietors. [*C.O.* 5, 401. *pp.* 98-101.]

July 24.  
Whitehall.

**255.** Duke of Newcastle to Governor Johnson. You will receive this letter by Mr. John Johnson, who is going with his family and servants to settle in South Carolina. He has the character of a very honest man, and of being well affected to H.M. person and Government, and has been well recommended to me. I must therefore desire you will assist him with your good offices in the providing himself with a settlement there, and favour him with your countenance and protection, whenever he may stand in need of them. *Signed*, Holles Newcastle. *Copy.*  $\frac{3}{4}$  p. [*C.O.* 5, 388. *f.* 118.]

[July 24.]

**256.** Petition of John Johnson to the Earl of Cholmondeley. Prays him to obtain a letter from the Duke of Newcastle to above effect. *Copy.*  $\frac{2}{3}$  p. [*C.O.* 5, 388. *f.* 120.]

July 24.  
Whitehall.

**257.** Council of Trade and Plantations to the Lords of the Committee of Privy Council. *Representation* upon Order of Committee of Council, 18th April, 1734, *q.v.*, upon the want of stores of war in Barbados and the Leeward Islands. *Continue* : Whereupon we have consulted the Agents of Barbados and the Leeward Islands, who having given us the best information they could, in answer to our several queries ; we take leave to acquaint your Lordships, that with respect to the quantity of stores necessary for Barbados and the Leeward Islands, and the distribution of them to each Island respectively, we have no rules whereby to form our judgment, except the demands made by the Governors of those Colonies, and the returns which we have of the number of people fit to bear arms in each of them. By the returns from Mr. Worsley, the late Governor of Barbados in the year 1724, in answer to our general queries, the number of men in that Island fit to bear arms was 4812, and they are now computed by the Lord Howe, the present Governor of this Colony, to be 4708 ; Colo. Hart, Governor of the Leeward Islands, acquainted us in the same year 1724, that the number of the militia in each of those Islands was as follows, at Antegoa, 1400 ; St. Christophers, 1200 ; Nevis, 300, Mountserratt, 350 ;



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Anquilla, 85; Spanish Town, 78, Tortola, 100. Total, 3513. In the letter which we lately reced. upon this subject from the Lord Howe, the present Governor of Barbados, he desires to be supplied with four thousand swords, and as many firelocks, with bayonets, and amongst the stores petitioned for by the Agents of the Leeward Islands, there is an article of two thousand swords for the use of the foot militia, and altho in our Representation to H.M., upon that Petition we humbly proposed, that such a supply might be granted them, as H.M. in his great wisdom should think proper, yet since your Lordships have been pleased to refer the consideration of both the demands back again to us, and to ask our opinion thereon, we think it proper to inform your Lordships that we apprehend, swords would be useless to a militia well provided with muskets and bayonets. In all these Islands there are Acts in force for the settlement and regulation of the militia, by which every man of that body is obliged to provide himself with certain arms and accoutrements which we shall describe particularly when we come to give a distinct account of those laws; but it is much to be doubted whether they have the arms required by their laws, and whether such as they have are in good condition for service, arms of all sorts and particularly firelocks being more subject to decay in hot countries than in more moderate climates. We must likewise have recourse to the aforementioned returns from the Governors of Barbados and the Leeward Islands to judge what number and quantities of great guns and stores attending them, may be requisite for the supply of these Colonies, and by the account received in answer to our queries in 1724 of the several forts and batteries raised in these Islands, with the number of cannon mounted upon them, and the condition of the stores and ammunition that were then in the magazines. We do find that in Barbados, there were no less than 22 castles and forts, and 26 batteries in the year 1724, mounted with 463 pieces of ordnance of all denominations; but Mr. Worseley computed that there was about 100 peices of ordnance wanting at that time to compleat the fortifications, most of the cannon in the Island being honeycombed, all the fortifications and stores in a ruinous condition, and the small arms, swords and bayonets in the magazine all gone to decay: all which being considered we are humbly of opinion, that H.M. should be graciously pleased to comply with the present demand made by the Lord Howe and the Council of Barbados, for a supply of 100 peices of cannon and of 4000 muskets, fixed with bayonets, which seem to be necessary for the defence of this Island, in case of a rupture with France; But we conceive, that all the Colonies should pay for their small arms and powder, because they are obliged by their Militia Acts to supply themselves with such arms, and they do all of them lay a powder duty upon all ships coming into their respective ports. With respect to the Leeward Islands, the fortification of greatest importance in those Colonies, is Monks Hill Fort, in the Island of Antigua, which in 1724 was mounted with 42 peices of cannon, and had a magazine in it containing about 800 arms in good

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order : There is also another fort erected at the mouth of St. John's River, with 14 peices of cannon, and seven other batteries for defence of the different landing places which together are mounted with 46 peices of ordnance. The principal fortification in the Island of St. Christophers and the compleatest work of the kind in the West Indies, is the fort erected on Brimstone Hill, which is mounted with 42 large cannon, and has a magazine which in the year 1724, was furnished with 400 small arms, and well supplied with all necessaries for defence. Charles Fort is another fortificatn. of this Island, which in 1724 had 27 cannon mounted and 3 unmounted, fit for service, with military stores in proportion. There are six other batteries in this Island erected at so many landing places, which together are mounted with 43 peices of cannon. There is only one old ruined fort on the Island of Nevis, mounted with 15 guns, and one ruined battery of 7 guns in the Island of Montserrat ; and these Islands seem at present to be incapable of putting themselves in a better posture of defence, having suffered very much from the enemy in the last war, to whose depredations they would lye very much exposed in case of another. We have already observed that the militia of the Leeward Islands in 1724, amounted to 3513 men, and the Agents of Antigua and St. Christophers have amongst other stores specified in the annex'd schedule, petitioned to be supplied with 500 carbines, fixed with bayonets, which we apprehend may be necessary for their horse militia in general. But as to the several articles contained in the schedule of their demand, we have made our particular observations thereupon, which we beg leave to annex by way of appendix to this report, and we are humbly of opinion that these arms, and such other stores as it shall be thought adviseable to supply them with, should be sent to Antigua, which being the most windward Island, they may from thence be easily distributed to the rest ; but we would propose that this distribution should be forthwith made upon their arrival at Antigua, in proportion to the numbers of the militia in each of the said Islands. With regard to the expence which these Colonies have been at from time to time for their own defence and preservation, it appears from the annex'd list of Acts, that Barbados and the Leeward Islands, particularly Antigua and St. Christophers, have from time to time raised great sums of mony and made large assessments upon themselves for building and repairing their fortifications, for supplying their militia and their magazines with arms and military stores, and for several other purposes as will best appear from the titles of the Acts passed since the year 1688 ; which being very numerous we have thought proper to add an acct. of them by way of Appendix, to this Report. But as we are not able to ascertain the particular sums that have been raised and applyed to these purposes, because the auditing the publick revenues in those Islands has been generally reserved, by the Acts which gave birth to them, to a Committee of the Council and Assembly in each Island ; in so much that the Deputies to the Auditor of the Plantations who reside constantly in Barbados and the Leeward



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Islands have not been able to transmit duplicates of those accounts to the Auditor's office ; and the instructions which have been constantly given to the Governors of all H.M. Plantations to transmit duplicates of all publick accounts properly audited and attested to the Lords of H.M. Treasury and to this Board, have not been regularly complied with. As to the decrease of white inhabitants in Barbados and the Leeward Islands, many considerations have occurred to us, and others have been suggested by the Agents of those Colonies, as the concurrent causes of this diminution, the principal of which are these : 1st, the low price of sugar in England, and the high duties and other inconveniencies which the English planters and sugar traders labour under and which our merchants affirm to be greater than those laid by the French Govt. upon their subjects in those parts who are our rivals in this branch of commerce. 2nd, the weak and defenceless condition of these Colonies arising from their smallness and incapacity of maintaining sufficient numbers of people for their defence, in proportion to the larger Islands in their neighbourhood in possession of the Crowns of France and Spain wch. has induced many of the planters to retire to places of greater security. 3rd, the non-observance of the laws which oblige the owners of land to keep certain numbrs. of white servants in proportion to the numbers of their negroes, and also the breeding up and employing negroe slaves in handicraft trades, such as carpenters, coopers, millwrights, mason etc. and in navigating sloops and other small vessels in the trade carried on amongst the several Islands in the neighbourhood of these Colonies, which must naturally take away the means of subsistence from European artizans and marrinrs. 4th and lastly, the unreasonable desire which the richer inhabitants have to engross immoderate quantities of land which has obliged the poorer sort to seek settlements in other countries, *etc.* *Annexed,*

257. i. (a) List of titles of Acts of Barbados, 1688–1699, for raising money for building and repairing fortifications, and supplying the militia *etc.* with arms and ammunition *etc.*

(b) An account of similar acts passed, 1700–1732. [C.O. 29, 16. pp. 1–33.]

July 24.  
Whitehall.

**258.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following received yesterday. *Autograph signatures.* 1 p. *Enclosed,*

258. i. President Ayscough to the Board of Trade, May 11th, 1734 *supra.* [C.O. 137, 47. ff. 234, 237, 237 v. and without enclosure. C.O. 138, 18. p. 1.]

July 25.  
Whitehall.

**259.** Duke of Newcastle to the President of the Council of Jamaica. The transports being ready to sail for Gibraltar, in order to take on board there the six Independent Companys, which I acquainted you, in my letter of the 6th of last month, H.M., out of his great goodness to his people of Jamaica, had determined to send to their assistance, against their rebellious

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negroes, I make use of the opportunity to transmit to you a duplicate of my said letter, and to acknowledge yours of the 4th of April and 11th of May, which I have since received and laid before the King. H.M. was pleased to command your care and diligence, in sending out a party against the negroes in rebellion, and was glad to find it had been so successfull, and that the assembly was come to a resolution to fit out two others forthwith, which it is to be hoped, from the consternation the rebels must be in, upon their late loss, will be able to obtain still greater advantages over them. I am persuaded your best endeavours will not be wanting to contribute thereto, in which I heartily wish you success. *Signed*, Holles Newcastle. [C.O. 137, 55. ff. 69, 69 v.; and 324, 36. p. 472.]

July 29.  
Antigua.

**260.** Governor Mathew to the Council of Trade and Plantations. I pray your Lordships will accept my thanks for your reports in favour of my several Acts of Settlement, H.M. confirmation of those for this Island, Nevis and St. Christophers I have received. I shall allways endeavour to demean myself as I ought in return for your Lordships' indulgence to me. One of my English letters says, some difficulty arose on the acco. of stores I sent home to ask for, to put these Islands in a tolerable state of defence, for that I had not specify'd the proportion for each Island. I beg your Lordships' taking in good part the reason why I did not. The four Islands are but one Government, I am chiefly accountable to H.M. for their safety. What might have been a right distribution when I wrote might happen not to be so hereafter. These Islands are a little too tenacious of what they call their own, one island might be attack'd, the other grumble at my supplying urging necessities. I dare not say anything to your Lordships without good reason, H.M. stores here are all his own and at my disposal, and with humble submission must be so, and accountable for to him only, or as he shall appoint, it may be in case of necessity I must have exerted H.M. authority disagreeably to the Island out of danger, but it must be so. The stores coming for the whole Government, remove all such pretence of dislike or resentment. I humbly submit these reasons to your Lordships etc. *Signed*, William Mathew. *Endorsed*, Recd. 3rd Oct., 1734, Read 30th July, 1735. *Holograph*. 2 pp. [C.O. 152, 21. ff. 89, 90, 90 v.]

July 30.  
Kensington.

**261.** H.M. Warrant appointing John Lawton, Nicholas Paxton and Abraham Farley, during the term of their natural lives and the life of the longest liver of them, to the office of Clerk of the Supreme Court in Jamaica, surrendered by John Page etc. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. pp. 473, 474; and 324, 50. pp. 16-18.]

July 30.  
Kensington.

**262.** H.M. Warrant appointing John Lawton, Nicholas Paxton and Abraham Farley to the offices of Clerk of the Crown and Peace in Jamaica etc. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 475; and 324, 50. pp. 18, 19.]



1734.  
Aug. 3.

**263.** Governor Philipps to the Council of Trade and Plantations. *Reply to 15th June. Continues:* It is my humble opinion, that the chief encouragement wanting toward the well cultivating, and improvement [of *Nova Scotia*], is the creating two or three forts in proper places; with an addition of 2 or 300 men, to garrison such forts, this may invite a new set of people, that are Protestants, to venture their lives, and fortunes, under the protection of that Government, for as to the present inhabitants, they are rather a pest and incumbrance, than of an advantage to the country, being a proud, lazy, obstinate, and untractable people, unskillfull in the methods of agriculture, nor will be led or drove into a better way of thinking, and (what is still worse) greatly disaffected to the Government, they raise ('tis true) both corn and cattle on marsh lands, that wants no clearing, but they have not in almost a century, clear'd the quantity of 300 acres of wood land. From their corn, and cattle, they have plenty of dung for manure, wch. they make no use of, but when it encreases so as to become troublesome, then instead of laying it on their lands, they get rid of it, by removing their barnes to another spot; this, I take it, proves the first part of my assertion. And as to their disaffection, their being of the Romish religion puts that beyond all doubt, they have, indeed, at last, comply'd with taking the oath of allegiance, but discover dayly a strong retention of nonjuring principles. Nevertheless this province must be allow'd (even in its present circumstances) to boast of advantages not much inferiour, to most of our colonies in America, when consider'd in the two chief branches of our trade, vizt., the fishery, particularly that part of it carry'd on at Canso, from whence not less than 50 or 60,000 quintals are ship't off, *communibus annis*, in English bottoms for forreign markets, and the consumption of British manufactures imported yearly in considerable quantitys from New England. But the lands will remain uncultivated, and not clear'd, and in course the production of naval stores of all kinds will remain neglected, untill it shall be bless'd with better inhabitants, or that such another spirit, shall appear in behalf of *Nova Scotia*, as has lately been exerted in the settling of New Georgia, whereby that province may be put into a degree of strength equall if not superiour to the neighbouring French settlements of Canada, and Cape Breton, both wch. are become formidable, whilst *Nova Scotia* lyes almost naked and defenceless etc. *Signed*, R. Philipps. *Endorsed*, Recd. 5th Aug., 1734. 3 pp. [*C.O.* 217, 7. ff. 98-99 v.]

Aug. 4.  
Charles Town.

**264.** Governor Johnson to the Duke of Newcastle. A very unfortunate affair has happen'd lately on board a schooner belonging the subjects of the King of Spain, and brought into this harbour of Charles Town, four of the crew murder'd the owner, and three more, fell out afterwards among themselves, and two of the murderers kill'd ye other two, and the remaining two were dispatch'd by that part of the crew yt. had not been concern'd in this barbarous fact, the widdow of the unfortunate

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owner, they did not kill, and is now here and appears to be a person of good condition. I shall not take up your Grace's time in mentioning all the particulars of this affair, because I enclose all the proceedings properly certified, which will inform your Grace of all the steps taken by H.M. Council and myself in doing justice to the widdow, and those who claim the effects brought in here, in which I thought it my duty to use the greatest caution and openness in my proceedings that there may be no pretence of embezzlement or clandestine practices on the Council's or my part, apprehending it to be my duty to do the same justice to the subjects in friendship with his most sacred Majesty, as to his own; I hope my endeavours therein will be acceptable to H.M. and your Grace. I shall also send cyps of all the proceedings to the Govr. of the Havanna relating to this affair (to which place the widdow designs to return) that he may be apprized that everything has been done and transacted with the greatest regard to his master's subjects; the widdow of the owner, as it appears by the examinations taken was always present in person or by her attorneys, and the effects that were brought before the Council were never out of her sight, till an inventory was taken of them, and then were lockt up, and the keys given to her till the whole was deliverd. I likewise send to your Grace the whole proceedings upon the trial of Joseph de Lortie, one of the crew, for piracy etc. the rest of the crew having sworn to his being accessory but he was acquitted; I humbly crave that your Grace after perusing the trial, will order them to be deliverd to Sir Henry Penrice, or Judge of the High Court of Admiralty in England, the law for trying pirates directing that he shall have them. And as no Commission for trying pirates has been sent to this Province since H.M. accession, which has obliged us to try in this Province sevl. pirates by virtue of His late Majesty's Commission for that purpose and by virtue of His present Majesty's Proclamation, ordering all officers shall continue in post and employment till H.M. further orders; and scruples having arose thereupon, I submit it to your Grace, if it may not be proper to send a new Commission here for the trying of pirates, as to myself as Governor, I was advised the 119th Article of my Instructions expressly injoyn me to act by his late Majesty's Commission for trying pirates etc. *Signed*, Robt. Johnson. *Endorsed*, R. 14 Nov. 2½ pp. [C.O. 5, 388. ff. 122-123 v.]

Aug. 7.  
Charles Town.

**265.** Governor Johnson to the Duke of Newcastle. About a fortnight ago dyed here Mr. Theophilus Gregory, Master in Chancery; I have appointed Mr. Cramahe to officiate in that post until I shall have the honour of receiving your Grace's commands in relation to the same; I hope your Grace will please to confirm Mr. Cramahe in that post, it requires a great deal of attendance, and is very trifling as to the income and profits, the greatest part of it depending on the allowance ye Assembly will think fit to annex to it. *Signed*, Robt. Johnson. *Endorsed*, R. 14 Nov. 1 p. [C.O. 5, 388. ff. 124, 125 v.]



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Aug. 7. **266.** Governor Johnson to the Council of Trade and Plantations. *Abstracts*. Received two days ago the Order of Committee of Council 10th April, 1734, and will return answer to the petition of Thomas Cooper *etc.* with all convenient speed. Has issued a Proclamation signifying H.M. repeal of the Act for preventing law suits *etc.* *P.S.* Has obliged the Receiver General to make out fair books of all receipts and payments of public moneys, which he will transmit then *etc.* *Signed*, Robt. Johnson. *Endorsed*, Recd. (from Mr. Furie) 7th Nov., 1734, Read 28th Aug., 1735. 2 pp. [*C.O.* 5, 364. ff. 235, 255 v., 242 v.]
- Aug. 8. **267.** Order of King in Council. Repealing Act of S. Carolina, 1733, for settling the estate of Richard Beresford decd. *Signed*, Temple Stanyan. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 1½ pp. [*C.O.* 5, 364. ff. 28, 28 v., 31 v.]
- Aug. 8. **268.** Order of King in Council. Referring following to Kensington. Council of Trade and Plantations for their report. *Signed*, Temple Stanyan. *Endorsed*, Recd., Read 28th Aug., 1734. 1 p. *Enclosed*,  
268. i. Petition of Charles Lord Baltimore to the King *Abstract*. King Charles I granted to Cecilius Lord Baltimore a part of a peninsula lying between the sea and Chesapeake Bay, the limits of which are particularly described in the Letters Patent. Some doubts however arose upon the words *hactenus inculta* mentioned in the preamble of the said Letters Patent:—"In terra quadam in partibus America hactenus inculta et a barbaris nullam divini numinis notitiam habentibus in partibus occupat." *Quotes* claim of Capt. William Clayborne 4th April, 1638, to the Isle of Kent, which was disallowed, it appearing by an Order of Council of 3rd July, 1633, that the title to it and other places in question had been resolved and declared absolutely to belong to Lord Baltimore. Petitioner "conceives from the said Order of Council and from the body of the Patent which hath no restrictive words (of *hactenus inculta*) that all lands within the limits of the said Patent did pass to the Lord Baltimore. But your petitioner finds that pursuant to an Order of Council, dated the 31st May, 1683, the Lords of the Committee for Trade and Plantations reported that the land intended to be granted by the Lord Baltimore's Patent was only land uncultivated and inhabited by savages and that part of the land called Delaware was inhabited by Christians at and before the date of the Patent, and were therefore of opinion that the tract of land lying between the river and the Eastern sea on the one side and Cheasapeake Bay on the other should be divided into equal parts" *etc.* and one half assigned to H.M. and the other to the Lord Baltimore *etc.*, which was

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accordingly ordered by K. James II by Order of Council, 7th Nov., 1685. "But your petitioner humbly sheweth that if any part of the said tract of land mentioned in the said report was inhabited at the time of the said patent by any Christians, yet they were not subjects of the Crown of England, but Swedes and Dutchmen, or other subjects of foreign nations. That as the whole of that part of the said Peninsula is plainly described within the limitts of the said grant to your petitioner's said ancestor, under whom he claims, so your petitioner most humbly conceives the same was intended to pass and did pass by the said Charter, in regard the chief design thereof was to enlarge and extend the English Empire and Dominion and therefore in the body of the said Charter all that part of the sd. Peninsula comprized within the limitts therein delineated is granted without any qualification or restriction of the said *Hactenus inculta* mentioned in the recital of the said Charter. That although the said order of King James cannot legally infringe the rights of the said Charter, yet the same may hereafter create doubts and occasion your petrs. right to the lands therein mentioned to be drawn in question and thereby create great expence to your petitioner, etc. Prays H.M. not to interpret the words *hactenus inculta* in a sense exclusive of any part of the peninsula lying within the limits of the Charter, altho' some very small part thereof should at the date thereof happen to have been inhabited by the subjects of Foreign Powers, and that, in regard petitioner's ancestors have been at a great expence and hazard to settle and plant that part of the Peninsula described within the limitts of the Charter, and to extend the Empire and Dominion of the Crown agreeable to the Royall intention as expressed in the Charter, that H.M. will by a further Charter confirmed to him his heirs and assigns the whole of such part of the said Peninsula as is contained within the limitts of the Charter, notwithstanding the said words *hactenus inculta* in the recital of the said former Charter or Letters Patent inserted. Copy. 5 pp. [C.O. 5, 1268. ff. 137, 138-140, 142 v.]

Aug. 8. **269.** Order of King in Council. Referring following to the  
Kensington. Council of Trade and Plantations for their report. *Signed*,  
Temple Stanyan. *Endorsed*, Reed. (from Mr. Belcher junr.)  
15th, Read 22nd Aug., 1734. 1 p. *Enclosed*,

269. i. Petition of Jonathan Belcher junr., on behalf of his father, Governor Belcher, to the King. The Council and Representatives of the Massachusetts Bay did on 8th June last pass a bill granting £3000 in bills of public credit to Governor Belcher. By H.M. 27th Instruction he is restrained from giving his assent to such a bill without H.M. special leave. Inasmuch as



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this bill is in the same terms as several others formerly permitted by H.M., *prays* for the like permission, *etc.* "and that your Majesty's said Governor may in the said Instruction be commanded to use his best endeavours with the Assembly that their future grants from year to year may be one thousand pounds sterling or what shall be equivalent thereto." *Signed*, Jonathan Belcher. *Copy.* 1 $\frac{3}{4}$  pp.

269. ii. Act of Assembly of Massachusetts for granting £3000 for the support of H.M. Governor. June 8, 1734. *Copy.* 1 $\frac{2}{3}$  pp. [*C.O.* 5, 876. *ff.* 64–66 v., 73 v.]

Aug. 8.  
Whitehall.

**270.** Mr. Popple to Mr. Attorney and Solicitor General. Requests reply to letter of July 24 concerning lands in S. Carolina. [*C.O.* 5, 401. *p.* 102.]

Aug. 8.  
Kensington.

**271.** Order of King in Council. Approving draught of Instructions for Governor Cunningham. *Signed*, Temple Stanyan. *Endorsed*, Recd. 2nd, Read 12th June, 1735. 4 pp. [*C.O.* 137, 21. *ff.* 140–141 v., 142 v.]

Aug. 8.  
Kensington.

**272.** Order of King in Council. Repealing Act of New York to *empower the Vestry of Jamaica, etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 2 pp. [*C.O.* 5, 1057. *ff.* 9, 9 v., 12 v.]

Aug. 9.  
Williamsburg.

**273.** Lt. Governor Gooch's warrant granting William Dandridge, Councillor of Virginia, leave of absence on his private affairs in Great Britain for one year only. If his affairs require his longer absence, he is to apply to H.M. for his royal license *etc.* *Signed*, William Gooch. *Seal.* 1 p. [*C.O.* 5, 1337. *f.* 166.]

Aug. 10.  
Bermuda.

**274.** Lt. Governor Pitt to the Duke of Newcastle. I find it incumbent upon me by an instruction I have from his most sacred Majesty, to transmit home an account of an accident that latly happened here in my Government, between one John Walker and Elizabeth Cassady, which Cassady in a fray received a hurt from Walker, of which hurt it is believed she died, whereupon the said Walker was prosecuted and found guilty by a jury here of maliciously killing the said Cassady, but it being appearent there was no prepense malice, I have suspended the execution of the said Walker and humbly desire your Grace would be pleased to interpose with H.M. for his pardon. I presume the more to move this to your Grace because the Honble. the Judges here, have represented him to me as worthy of mercy, which representation I have here inclosed for your Grace's perusal. I humbly pray your Grace's favour in this affair *etc.* *Signed*, John Pitt. *Endorsed*, R. 29th Sept. 1 p. *Enclosed*,

274. i. Case of John Walker, H.M. Independent Company. The wife of one Cassady, a soldier, was killed in a drunken brawl; *v. preceding.*  $\frac{3}{4}$  p.

1734.

274. ii. Representation of Chief Justice and Assistant Judges to Lt. Governor Pitt. Recommend Walker to H.M. pardon. June 13, 1734. *Signed*, Wm. Oaterbridge, John Darrell, Nath. Bascombe. 1 p. [C.O. 37, 29. Nos. 18, 18 i., ii.]

Aug. 12.

**275.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Reply to enquiry of July 25th quoted.* The grant being general of 12,000 acres of land, and the same being not described therein, nor ascertained by any survey before the Proclamation of Governor Johnson, we are of opinion, that such grantee cannot now take up lands within six miles of Purrysburgh. For the right of the Lords Proprietors is now vested in the Crown; and such general grant could certainly not have prevented the Lords Proprietors from making subsequent grants of any particular lands provided there was still sufficient land left to satisfy such precedent grant; and yet this would be the necessary consequence, if such general grantee might at any time before his lands are set out take them wherever he pleases and disturb the possession of any subsequent grantee. This would not only be a great invasion of H.M. right, but would create very great confusion, and would lead very much to ye disturbance of the peace of this country. *Signed*, J. Willes, D. Ryder. *The opinion in the Attorney General's writing.* 5½ pp. *Endorsed*, Recd., Read 14th Aug., 1734. 5½ pp. *Enclosed*,

275. i. Copies of 43rd and 45th Articles of Governor Johnson's Instructions, 1730.

275. ii. Copy of Governor Johnson's Proclamation, Sept. 1st, 1731.

275. iii. Copy of Lords Proprietors' grant of a barony of 12,000 acres to Thomas Lowndes, 25th Oct., 1726. [C.O. 5, 363. ff. 110–112 v., 114–116 v., 118, 118 v., 119 v.]

Aug. 12.

**276.** Mr. Wragg and Mr. Wood to Mr. Popple. *Request* that representation of Council of S. Carolina to the King, 19th Dec., 1728, be laid before the Board when re-considering their report (v. July 23), the traders of London and Bristol to S. Carolina conceiving that it will be of use to them in making a true judgment etc. *Signed*, T. Wragg, Wm. Wood. *Endorsed*, Recd. 13th, Read 14th Aug., 1734. 1 p. [C.O. 5, 363. ff. 120, 123 v.]

Aug. 12.

The Downs,  
on board the  
*Simond*.

**277.** Col. Purry to the Council of Trade and Plantations. *Abstract.* Has embarked at Calais in three vessels 270 Swiss with whom he is sailing for S. Carolina. In spite of the injustice with which he is threatened regarding his grant, his friends have advanced him the necessary sums, on security of said lands. But for their friendship for himself and public benevolence, shown in this fashion, the Swiss would have been obliged to return home and his project wd. have been ruined. Begs for support of the Board in a scheme wh. will result in great benefit to the public. Three things are absolutely necessary:—(i) A supply of provisions and tools; (ii) that the lands in his grant



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shd. be run out contiguous to the township of Purrisbourg, in order to make good their advances to his creditors; (iii) and that the Swiss settlers should have the lands promised them near Purrysburg. Otherwise they will treat him as a liar and traitor, and serious disorders may ensue. He heard on leaving London that orders had been given for provisions, in which he sees the result of the Board's favour, but as to (ii) and (iii) fears the greed of certain persons. "When I marked out the site on which Purrisbourg was to be built, all the surrounding lands were vacant. Messrs. Roberts, Thorpe and others have only had them surveyed for themselves after I had marked out the said place, and after the Governor's Proclamation" (*cf* Sept. 1st., 1731) *etc.* *Prays* for an Order from H.M. to the Governor to have the lands of the township and six miles adjoining surveyed forth and to settle him there forthwith, and in case of difficulty to institute proceedings against those who oppose him. If this is not done promptly, the Swiss will be discouraged. "When I left Switzerland, there was a great desire amongst that people to go to Carolina, and they will go there in great numbers, provided my enterprise is supported at its birth. The people of St. Gall design to ask for land in Carolina to build a town there, but it is to be hoped that another town will not be begun before Purrisbourg is well established, above all it would be of ill consequence if they were granted a site below Purrisbourg or nearer Charlestown, because all the Swiss who came subsequently would settle in that town and neglect Purrisbourg which is the frontier; the place which would be most suitable for a new town of Swiss, would be on the River Savanna, between the Fort Palachucklace and Fort More" *etc.* *Hopes* that his knowledge and experience, and the advice of M. Simond and his son, who act for him in London, will induce these people of St. Gall to act in concert with him *etc.* *Signed*, [? P.] Purry, Coll. *Endorsed*, Recd., Read 29th Aug., 1734. *French.* 6 pp. [*C.O.* 5, 363. ff. 124-126 v., 127 v.]

Aug. 13. **278.** Council and Assembly of Jamaica to the Duke of Jamaica. Newcastle. *v. infra*, Aug. 21, encl. iii. *Here signed*, Ed. Pennant, John Gregory, John Campbell, Edw. Charlton, Tho. Hals; Wm. Nedham, Speaker. *Endorsed*, R. Oct. 2 $\frac{3}{4}$  pp. [*C.O.* 137, 55. ff. 71-72 v.]

Aug. 15. **279.** Receipt for salary as Chief Clerk of the Court of St. Jago de la Vega. *Signed*, J. Page.  $\frac{1}{2}$  p. [*C.O.* 137, 47. f. 239.]

Aug. 15. **280.** Mr. Popple to Mr. Fane. Encloses, for his opinion in Whitehall. point of law, 28 Acts passed at New York, 1732 and 1733. *Titles enumerated.* [*C.O.* 5, 1125. pp. 307-314.]

Aug. 15. **281.** Mr. Popple to Mr. Fane. Encloses, for his opinion in Whitehall. point of law, six Acts of New Jersey, 1733. [*C.O.* 5, 996. pp. 368, 369.]

1734.

Aug. 18.  
Charles Town.

**282.** Governor Johnson to the Council of Trade and Plantations. Transmits acts of last sessions, but it has been impossible to get the Minutes of Council and of Assembly transcribed in time *etc.* *Signed*, Robt. Johnson. *Endorsed*, Recd. 7th Nov., Read 11th Dec., 1734. 1 p. [C.O. 5, 363. f. 191.]

Aug. 20.  
Jamaica.  
Spanish Town

**283.** President Ayscough to the Council of Trade and Plantations. My Lords, I doe myself the honour, to acquaint your Lordships, that I received a letter from his Grace the Duke of Newcastle, dated the 6th day of June last, by Captain Drummond, Commander of the *Hawk* sloop, the 29th day of July following. In obedience to H.M. commands, in that letter, I appointed the Assembly to meet the 6th instant, and then laid H.M. orders, and directions, before the Council and Assembly. By the inclosed Address to H.M., my Speech, and the Address of the Assembly to me, your Lordships will best judge how just a sense we have, and shall retain, of H.M. goodness, and care for this Island, and how readily the Legislature came to a resolution, to make a suitable provision for the forces expected for our relief. The parties which I mentioned in my last to your Lordships, not having met with the success we expected, are now going out again, if not prevented by the rainy season. I must beg your Lordships' pardon, for not sending the Minutes of the Assembly by this sloop, Captain Drummond being obliged to sail before they can be got ready, but shall take care to transmit them by the next opportunity. I can acquaint your Lordships that a sufficient fund has been raised for an additional allowance of five shillings p. week to each private man and twenty shillings p. week to each officer to commence from their arrival. *Signed*, J. Ayscough. *Endorsed*, Recd. 17th Oct., 1734, Read 11th July, 1735. 1½ pp. *Enclosed*,

283. i. Address of the President, Council and Assembly of Jamaica to the King. 13th Aug., 1734. *Assure* H.M. that, "We have the most lively and strong impressions of your goodness and extensive care of all your Subjects ; particularly in a late instance of your concern for the preservation of this remote part of your Majesty's Dominions and in granting so readily upon our application a Force sufficient, we humbly hope to dispell our just apprehensions of danger, from our intestine enemies. We are the more sensible of this seasonable aid and assistance, as all our efforts to reduce our slaves in rebellion, have been hitherto ineffectual, particularly in two instances of bad success our Partys very lately met with, which would have put us under the greatest consternation, were we not revived, with the prospect of the speedy arrival of your Majesty's Forces ; and therefore we cannot express our gratitude, as well as our duty, in a more agreeable manner than in complying with your Majesty's pleasure in providing for them, according to the best of our ability, altho' our misfortunes have rendered us almost incapable of



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defraying the other contingencies of the Government ; But as your Majesty is always attentive to the complaints, and ready to relieve the necessities of your subjects, we support ourselves with the hopes of that expence being made easy to us, when our low and declining circumstances are faithfully represented to your Majesty. May your Majesty's reign be long, and prosperous; and may the British Crown, with the hearts and affections of a happy and free people, descend in your Illustrious Line, to the latest posterity, is the hearty and unanimous prayers of your Majesty's most obedient, most dutiful and most loyal subjects." *Signed*, J. Ayscough ; Jos. Maxwell, Cl. Counl. ; Wm. Nedham, Speaker. *Endorsed as covering letter. Copy. 1 large p.*

283. ii. Speech of President Ayscough, to the Council and Assembly of Jamaica. *Announces* that H.M. has sent six companies to their relief. "As it appeared to H.M. to have been the unanimous opinion of the people of this Island that they were not safe without some immediate assistance," H.M. expects them to make proper provision for them and their additional subsistence *etc.* *Endorsed*, Reed. 17th Oct., 1734. *Copy. 1 1/4 pp.*

283. iii. (a) Address of Assembly to President Ayscough. Will, with the utmost despatch, make provision for the troops and their subsistence. "No people can have a deeper sense of H.M. most gracious favour to us, and care for the safety and protection of his subjects" *etc.*

(b) President Ayscough's Reply to preceding. Returns thanks *etc.* *Same endorsement. Copy. 1 p.*

283. iv. Speech of President Ayscough to the Assembly. *Announces* repulse of party from Port Antonio, which is to march out again in three or four days. It is necessary to raise a fund for that service, the money already raised being nearly exhausted. Recommends an inland duty on rum consumed by retail. *Same endorsement. Copy. 1 p.* [*C.O.* 137, 21. *ff.* 159, 160, 160 v., 163, 164 v.-166, 167 v.-168 v.]

Aug. 20.  
Jamaica,  
Spanish Town.

**284.** President Ayscough to the Duke of Newcastle. *Acknowledges letter* of June 6th *etc.* Duplicate of preceding covering letter, *mutatis mutandis.* *Signed*, J. Ayscough. *Endorsed*, R. 23rd Oct. 1 1/2 pp. *Enclosed*,

284. i. Minutes of Assembly of Jamaica, 16th Aug., 1734. *Copy. 1/2 p.*

284. ii. Minutes of Assembly, 10th-13th Aug., 1734. *Copy. 7 1/3 pp.*

284. iii. Minutes of Assembly, 7th-9th Aug., 1734. *Copy. 6 pp.*

284. iv. Minutes of Assembly, 6th Aug., 1734. *Copy. 5 pp.*

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284. v.-vii. Copies of encl., i.-iii., to Board of Trade above.  
[C.O. 137, 55. ff. 73-75 v., 77-80 v., 85-87 v., 89-91, 95-96, 97, 99.]

Aug. 21. **285.** President Ayscough to the Duke of Newcastle.  
Jamaica. Duplicate of Aug. 20th. *Signed*, J. Ayscough. *Endorsed*, R.  
Spanish Town. 6th Dec., 1734. 1 p. *Enclosed*.

285. i., ii. Duplicates of encl. i., ii., Aug. 20th.

285. iii. Council and Assembly of Jamaica to the Duke of Newcastle. Aug. 13th, 1734. Express gratitude for the Six Companies, and his Grace's share in obtaining them and also for his assurance (6th June) that nobody can more sincerely wish the prosperity of the Island than he does *etc.* *Continues*: This we could never doubt of from your Grace's known zeal for H.M. and his people *etc.*, whose interest must suffer by any calamity that may attend this valuable Colony in particular. And we do assure your Grace this Island never was in greater distress, or had more occasion for the assistance of its Mother Country than at this present time, occasioned by a chain of losses and misfortunes *etc.*, not only by three dreadful hurricanes, which happened within the space of fourteen years, attended with long and severe droughts; But the lowness of our produce in Great Brittain, the loss of our trade and the heavy taxes we have been under the necessity of raising to defray the expence of the parties fitted out against the rebellious negroes *etc.* We are persuaded that were the distresses of the people of this Island in general fully known, it would move a mind less generous and compassionate than has always distinguished your Grace and endeared you to all mankind. We therefore flatter ourselves that your Grace will lay our low and declining condition before our most gracious Sovereign, *etc.* Will always endeavour to merit his Grace's countenance and favour *etc.* *Signed*, John Gregory, John Campbell, Will. Hayman, Henry Dawkins, William Gordon, Thos. Hals. 2 pp. [C.O. 137, 55. ff. 101, 102 v., 103, 104, 105, 106, 107.]

Aug. 22. **286.** Mr. Popple to Governor Johnson. Encloses opinion  
Whitehall. of Attorney and Solicitor General upon grants of lands in S. Carolina, upon which he will shortly receive H.M. orders *etc.* *Continues*: But, in the meantime their Lordps. cannot help observing that 8000 acres of those very lands have been survey'd in your name *etc.* My Lords desire you will upon ye receipt hereof, issue another proclamation prohibiting any person to lay out or take up any land within six miles of the 10 other townships. which you were directed to lay out *etc.* [C.O. 5, 401. p. 102.]

Aug. 22. **287.** Council of Trade and Plantations to Governor Cosby.  
Whitehall. *Abstract.* *Acknowledge* letters relating to New York and New



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Jersey, will consider Acts sent therewith when they receive Mr. Fane's opinion on them. *Remind him* of his 21st Instruction to be as particular as may be in his observations upon every act passed by him, and request him for the future to send his motives for giving his assent. *Ask for* copy of Charter of New York granted Col. Montgomerie, which is mentioned in the Act *confirming unto the City of New York its rights and priviledges etc.* The complaints made against him by Mr. Morris and Mr. Van Dam being now before the Lords of the Council, they forbear making any remark, except that by the Indian deed for vesting in H.M. the land claimed by the Corporation of Albany, that land is computed at 1200 acres. But it has been represented to them by an unknown hand that that land is computed at 30,000 acres. Desire to be informed of the true state of this affair. In his letter of 17th June announcing three vacancies in the Council of New Jersey, he has omitted to name the Councillors making the said vacancies. They cannot therefore propose persons to fill them until they hear again from him. *Set out*, N.Y. Col. Docs., VI. 16. [C.O. 5, 1125. pp. 314-317.]

Aug. 24.  
London.

**288.** Mr. Coope to the Duke of Newcastle. I have this morning recd. a letter from Governor Matthews in which is the following paragraph of a letter to that gentleman from Spanish Town, dated the 3rd June, 1734 :—" On Thursday last at St. Thomas, arrived a large ship from Denmark with a Commission for settling Sta. Cruz, one Motte is appointed Governor (formerly Governor of St. Thomas) they have brought a Minister, 60 soldiers, several sorts of tradesmen and some familys, she is deep laden with provisions. They expect another ship with 100 familys more. Governor Motte being afraid your Excellency will hinder the settlement of it, has sent up a sloop to the French General for a man of warr to protect him in it." I apprehend this settlement (if it goes forward) will weaken the Sugar Colonies of white people which are allready too few, as it will certainly drain them of their debtors and poor setlers, will be usefull to the French for their privatiers, intelligence and provisions in case of a rupture, and is designed by them to answer these purposes. There is a great fondness between the French and Danes in those parts ; the latter were the other day assisted by the former with 2 sloops full of men to reduce their rebellious negroes at St. Johns, which they effected, *etc.* *Signed*, Rid. Coope. *Endorsed*, Sent to Board of Trade, 11th Sept., 1734. 1 p. [C.O. 152, 40. No. 36.]

Aug. 27.  
Whitehall.

**289.** Mr. Popple to Mr. Oxenford. *Desires* " an account of the amount of the imports and exports to and from Great Britain and the Islands of Barbados, Antigua, St. Xtophers, Nevis, Montserat, Jamaica, Bahamas, Bermudas and the West Indies in general, Xtmas, 1728-1732, distinguishing each place and each year and that you will therein explain what is meant by the West Indies in general." [C.O. 324, 12. p. 75.]

1734.  
Aug. 27.  
Virginia.

**290.** Lt. Governor Gooch to the Council of Trade and Plantations. The Assembly mett according to their last prorogation the 22nd instant. I have inclosed my Speech and the Addresses that your Lordships may see how they are likely to be employed, with the speech of a new Speaker occasioned by the resignation of the old one, on account of his age and infirmities etc. *Signed*, William Gooch. *Endorsed*, Recd. 3rd Dec., 1734, Read 13th Aug., 1735. *Holograph*. 1 p. *Enclosed*,

290. i. Speech of Lt. Gov. Gooch to the General Assembly of Virginia. Williamsburg, 22nd Aug., 1734. *Proposes* renewal for a long term of years of Act regulating the tobacco trade, which is near expiring, and by which "our staple . . . has acquired a very valuable reputation" etc. *Proposes* amendments to the Militia Law, and suggests address congratulating H.M. on the marriage of the Princess Royal. *Printed*, by William Parlus, Williamsburg, 1734. *Endorsed*, Recd. 3rd Dec., 1734. 2½ pp.

290. ii. (a) Address of the House of Burgesses of Virginia to Lt. Governor Gooch. Return thanks to H.E. for above Speech, his care of their interest and prudent administration, and will apply the experience gained to amend the tobacco law. But above all, it will be incumbent upon them "to consider of the best means to support so honest and profitable a law, without loading ourselves with a debt, which we know would give occasion to new clamours" etc.

(b) Governor's reply to preceding. Is pleased with their concurrence, and their agreement with him that a public inspection is the only expedient to discourage fraud and prevent the markets abroad being burdened with trash etc. *Endorsed*, Recd. 3rd Dec., 1734. *Printed*. 1¾ pp.

290. iii. (a) Address of Council in Assembly to Lt. Governor Gooch. Return thanks for Speech and prudent administration. Express appreciation of "His Majesty's consummate wisdom, as well as His paternal goodness, in marrying the Princess Roial to His Serene Highness the Prince of Orange" etc. "With what joy must every British subject be filled who sees His Majesty studying to perpetuate to His People the blessings they now enjoy, by an alliance which thus strengthens the Protestant interest, and the liberties of Europe."

(b) H.E.'s reply to preceding. *Same endorsement*. *Printed*. 1½ pp.

290. iv. Speech of Sir John Randolph upon his being elected Speaker of the House of Burgesses of Virginia. *Same endorsement*. *Printed* by order of the House etc. 3 pp. [C.O. 5, 1323. ff. 135, 136, 137-139 v., 140 v., 141, 142, 142 v.]



1734.

Aug. 27.  
Whitehall.

**291.** Mr. Popple to Mr. Oxenford, Assistant Inspector General of H.M. Customs. *Asks for* an account of the total amount of the imports and exports to and from this Kingdom and the Islands of Bermuda, the Bahamas, the Leeward Islands, Barbados and Jamaica from Christmas 1728 to Christmas last, distinguishing each Island and each year, the ledgers in our Office going no further than Christmas 1728. And as this account is necessary to enable my Lords to compleat a representation they are to make this next sessions to the House of Lords, I am further commanded to desire the said account may be sent to this office as soon as possible. [C.O. 389, 29. p. 177.]

Aug. 28.  
Whitehall.

**292.** Mr. Popple to Mr. Jennings. My Lords *etc.* have appointed Wednesday the 18th of September for taking the Lord Baltimore's petition into further consideration *etc.*, and will at that time be ready to hear what you may have to offer *etc.* [C.O. 5, 401. p. 103.]

[Aug. 28.]

**293.** Petition of Thomas Rutherford to the Council of Trade and Plantations. Having purchased from Thomas Lowndes his grant of 12,000 acres in S. Carolina (*v.* 12th Aug. *etc.*), which, Lowndes informed him, in consideration of some service rendered by him to the public, the Board had promised to direct the Surveyor General to run out. *Prays* that such directions be now given *etc.* *Endorsed*, Recd., Read 28th Aug., 1734. 1 p. [C.O. 5, 363. ff. 121, 122 v.]

Aug. 28.  
Whitehall.

**294.** Council of Trade and Plantations to the King. An Act was pass'd in your Majesty's Province of New York on the 1st day of November, 1733, entituled *An Act to repeal part of a Clause in the Act therein mentioned.* The clause repealld by this Act, is part of an Act pass'd at New York in 1699, whereby it was amongst other things provided, that it should not be in the power of any of H.M. Govrs. *etc.* to grant or demise for any longer term than their own continuance in the said Government a certain swamp and fresh pond, called the Fresh Water, and adjacent to the King's farm, comonly called Dukes Farm on the Island Manhattans. But your Majty. was lately pleased, by your Order in Council bearing date the 12th day of August, 1731, upon the humble petition of Anthony Rutgers of the City of New York Mercht. to empower the Govr. or Commander-in-Chief *etc.* to pass a grant under the provisoes therein mentioned, to the said Rutgers, his heirs and assigns, of the aforesaid tract of land called the Swamp, containing about seventy acres subject to the quit rent now paid for land in New York. It was necessary therefore that due obedience might be paid to your Majty's said Order in Council, to repeal the aforesaid clause of the Act of 1699; but we beg leave to take notice to your Majty., that when Acts of Assembly are passed in your Majty's. Plantations, by which former laws are repealed, they ought, in conformity to your Majesty's Royal Instructions, to be provided with a clause to suspend the execution of them till your Majty's. pleasure should

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be known thereupon; and this Act being destitute of such a clause, we should for that reason have laid the same before your Majty. for your disallowance. But considering that this Act is pass'd in conformity to your Majty's. Royal intentions, signified to the Govr. of New York, by your Majty's. Order in Council, which he might consider as a sufficient authority to exempt him from the observance of the ordinary rule to be practiced in cases of the same nature, we humbly take leave to lay the said Act before your Majty. for your Royal confirmation. [C.O. 5, 1125. pp. 317-320.]

Aug. 29.  
Whitehall.

**295.** Mr. Popple to Mr. Attorney General, and Mr. Solicitor General. *Abstract.* The Lords Commissioners for Trade *etc.* finding it absolutely necessary to discourse with them upon the two drafts of a bill for securing the King's quit-rents in S. Carolina, desire to know when a meeting will be convenient *etc.* [C.O. 5, 401. p. 104.]

Aug. 29.  
Whitehall.

**296.** Council of Trade and Plantations to the King. In obedience to your Majesty's Order in Council dated the 8th of the present month, we have considered the humble memorial of Jonathan Belcher Junr. in behalf of his father Jonathan Belcher Esq. your Majesty's Governor of the Province of the Massachusetts Bay in New England, humbly praying, for the reasons therein contained, that your Majesty would be graciously pleased to permit the said Governor to give his Assent to a bill past there on the 8th day of June last *etc.* for granting to your Majesty the sum of three thousand pounds for the support of your Majesty's Governor, that he may at the same time be commanded to use his best endeavours with the Assembly of the Massachusetts Bay that their future grants from year to year may be one thousand pounds sterlg. or what shall be equivalent thereto. We beg leave to represent to your Majesty upon this subject, that altho' the Assembly of the Massachusetts Bay have not hitherto been induced to settle a fixed salary upon your Majesty's Governor of that Province for the whole term of his government, yet as it would be a very great hardship upon Mr. Belcher should he not receive a salary from the Province while he continues to perform the functions of a Governor there, we would therefore humbly propose, that your Majesty should be graciously pleased to permit him to give his assent to this Bill. As to the latter part of this Memorial, where it is prayed that Mr. Belcher may receive your Majesty's commands to use his endeavours with the Assembly that their future grants may be one thousand pounds sterling, or what shall be equivalent thereto, we are informed, that the sum of three thousand pounds in bills of credit on the Province is not at present equivalent to one thousand pounds sterlg., upon which we cannot but observe that the Assembly are now defective in the sum as well as in the manner of their grant, and therefore we would humbly propose to your Majesty that Mr. Belcher may be directed to remind the Assembly that by your Majesty's Royal



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Instructions to him relating to his salary it was intended that he should receive one thousand pounds sterling per annum. [*C.O.* 5, 917. *pp.* 98-100.]

Aug. 31.  
Barbados.

**297.** Governor Lord Howe to the Council of Trade and Plantations. *Encloses* Attorney General's memorial (*No.* i), in relation to the more speedy recovery of part of the arrears of Mr. Worsley's tax. *Continues* :—In consequence of which an act has been pass'd here and to which I have given my assent, intituled an act for the more effectual recovery of certain arrears due to his most sacred Majesty by virtue of an act, *etc.*, 1722, for supporting the honour and dignity of the Government *etc.*, *enclosed*. The surplus after Mr. Worsley is paid it is thought will amount to about £10,000, four thousand of which as your lordships will observe in the act are to be paid towards making up the deficiency of the present excise act, the remainder is appropriated for the repairs of the fortifications, a state of which I have order'd immediately to be laid before me by the Commissioners of the several divisions to see in what manner and where it may be most necessary to repair them. *Encloses* Treasurer's accounts *etc.* *Signed*, Howe. *Endorsed*, Recd. 14th Nov., 1734, Read 16th July, 1735 (*duplicate in letter of Sept. 15*).  $1\frac{3}{4}$  *pp.* *Enclosed*,

297. i. Memorial of Jonathan Bleuman, Attorney General of Barbados, to Governor Lord Howe. In obedience to H.M. Order in Council of 28th Sept., 1732, memorialist commenced several suits for the recovery of arrears due under the Act of 1722, *for supporting the honour and dignity of the Government*. These have mostly been paid or promised, and memorialist believes all arrears will shortly be paid except what was charged on the several towns in the Island. £70 is due from the town of Speights and £6250 from the town of St. Michael. As there does not seem to be any immediate remedy for recovering said arrears, proposes legislation to fix the payment on the persons or their representatives at first made liable thereto *etc.* *Signed*, J. Bleuman. *Endorsed as preceding*. *Copy*. 3 large *pp.*

297. ii. Treasurer's accounts, Barbados, 13th June, 1733-1734, showing balance of £1068 15s.  $1\frac{1}{2}$ d. *Endorsed*, Recd. 14th Nov., 1734. 22 *pp.* [*C.O.* 28, 24. *ff.* 75-76 v., 92 v.-99, 100 v., 102 v.-106, 107 v., 110, 110 v.]

Aug. 31.  
Barbados.

**298.** Governor Howe to the Duke of Newcastle. Duplicates of preceding covering letter and enclosure *No.* i. *Signed*, Howe.  $1\frac{3}{4}$  *pp.* [*C.O.* 28, 45. *ff.* 321, 321 v., 323-324.]

Aug. 31.

**299.** Memorandum that the Master General of Ordnance was ordered to estimate the expence of the stores required for Barbados and the Leewards, and his report is before the Committee of Council *etc.*  $\frac{3}{4}$  *p.* [*C.O.* 152, 40. *No.* 37.]

1734.

Sept. 5.  
Whitehall.

**300.** Council of Trade and Plantations to Committee of Privy Council. Report upon Col. Purry's petition (*cf.* 18th April). *Describes* Governor Johnson's Proclamation and the opinion of the Attorney and Solicitor General *etc.* *Continue* :— Whereupon we are humbly of opinion that H.M. should be graciously pleased to direct His Governor of S. Carolina to cause a survey to be forthwith made by ye proper officer of six miles round ye township of Purrysburgh, to be reserved for ye sole use of Colo. Purry and of such persons as shall hereafter settle and inhabit within the sd. township, agreeable to H.M. Instructions, in that behalf, and that he do not permit any other person, or persons, to survey or take possession of land within the said district or circumference of six miles, under colour of any former grant, from the late Lords Proprietors, or of any survey made by virtue of such grants, since the above-mentioned Proclamation, or upon any pretence whatsoever. And that to prevent the like encroachments upon any other township already laid out in pursuance of H.M. Instructions, the Governor should be further directed forthwith to issue a Proclamation to the like effect, with that by him published in favour of ye settlement at Purrysburgh. With respect to ye 2nd Article of this petition, wherein Colo. Purry prays that such of the principal inhabitants as are employ'd in directing and assisting the rest *etc.* may be allowed such an addition of lands *etc.* as shall be thought adequate to their services, not exceeding 300 acres to one person, we beg leave to observe to your Lordships, that this demand is indefinite both as to the number of persons to be gratified, and the quantity of land to be granted ; wherefore we would propose as a proper medium upon this head ; that H.M. should be graciously pleased to authorize His Governor to grant a quantity of land not exceeding 2000 acres in the whole, over and above the ordinary quantity of land directed by H.M. directions, by way of reward to such inhabitants as shall be furnished with Colonel Purry's certificate of extraordinary services perform'd by them for the common benefit of the Colony, in such proportions as the said Governor shall think proper, provided the additional lands so granted to any one person do not exceed two hundred acres ; and as we have been informed, that there is no provision yet made for a Minister of Purrysburgh, we would propose to your Lordships, that 200 acres over and above the said 2000 acres be set apart as a perpetual glebe for ye Minister of yt. township. As to ye other two points of this petition, whereby Colo. Purry desires that such of the inhabitants whose lots are situated in the rivulet that runs thro' Purrysburgh, may be allow'd double lotts in consideration of their cleaning the said rivulet and draining a swamp, which communicates with it, and that such German or other foreign Protestants, whom he shall transport to Carolina, may be received and considered there, as part of the number of Swiss Protestants, which he hath obliged himself to carry to that Province, we are humbly of opinion that H.M. may be graciously pleased to indulge the said Colo. Purry in these requests, and that instructions should be given accordingly to the Governor of South Carolina. [*C.O.* 5, 401. *pp.* 105–113.]



1734.  
Sept. 5.  
New  
Providence.

**301.** Extract of letter from Governor Fitzwilliam to Henry Lascelles. I can give you but a melancholly acct. of my present situation, which you'll think as bad as it well can be, when I tell you that in the first place most of the principal inhabitants are dead of a contagious fever, that has been among the people these two summers past, and still rages to so great a degree, that I can scarce hear anything but of people being either taken sick or dead *etc.* *Refers to conspiracy of negroes, v. following. Endorsed, Reed., Read 26th Feb., 1734 $\frac{1}{2}$ .  $\frac{1}{4}$  p. [C.O. 23, 3. ff. 100, 100 v.]*

Sept. 6.  
New  
Providence.

**302.** Governor Fitzwilliam to the Council of Trade and Plantations. *Refers to letter of July 2. Continues:—*Since which most of the principle inhabitants, and a great number of the Independent Company are dead of a feaver that still rages to such a degree, that unless it please God to abate this contagion, these islands will soon be depopulated, which in all likelihood would have been done in a more speedy way, had I not about the middle of last week discovered a conspiracy among a great number of our slaves, who had agreed and appointed Sunday last to rise and destroy all the white inhabitants; the lucky discovery whereof was made by a very extraordinary accident vizt., a negroe man called Quamino who is deem'd a very bold daring fellow, and a principal in this combination, had been run away from his master for some time past, and could not be taken untill one night last week he came to town to concert measures with his accomplices, and happen'd to be seen by a soldier of the garrison, who endeavoured to seize him in hopes to entitle himself to the usual reward for taking up run-away slaves, but he got clear of this soldier and in making his escape was met by another, who laid hold of him, but the negroe put him to death with a long knife; however the struggle between them lasted so long, as that many people came up, who at last secured the villain, and delivered him to the guard at the fort, where he was loaded with irons by my order; the next day the serjeant of the guard came and told me the prisoner had disclos'd to him an intention among the negroes to rise and make themselves masters of the island, whereupon I went to the fort to examine the fellow, who confess'd everything as I have before mention'd with this further addition only, that it was determin'd I shou'd be the first man put to death in order to strike the greater terror in the people. I have ordered several negroes into custody, who are said to be the principals in this wicked design, but they are sullen, and as yet will confess nothing more than that they have heard other negroes talk of a rising in general, but as these wretches are to be tryed in a few days, I hope I shall be better enabled more fully to inform your Lordships in my next concerning this matter. Your Lordships are already so well apprized of the miserable condition of this place, that it would be indecent in me to be any longer troublesome on that subject, therefore I shall now only beg leave to acquaint your Lordships, that the apprehensions of a sudden war, and the appearance of a famine in this island by reason it was generally known that there was no salt made in this government the last

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season and that the inhabitants have no money or any produce of their labour at this time of the year to exchange for provisions, consequently no vessels from the continent expected, obliged me to embrace the only chance opportunity that offered of buying one hundred barrels of beef, and one hundred barrels of flower for the use of the garrison, some part whereof I begin to apprehend will be spoiled, before they can be expended, whereby I may sustain a greater loss than I can well afford out of the small salary I am allowed, wherefore I beg your Lordships' speedy directions how I am to act in emergencies of this nature, for here is not one single shilling to answer any such contingency, nor will the Assembly raise one farthing. They are now sitting, but such a sett of headstrong, simple, ungovernable wretches were never conven'd in a legislative capacity, and in my opinion, and indeed in that of the few people of any understanding on this island, the power of holding Assemblies has been very prejudicial to the inhabitants, because they are too few and ignorant to have any such privilege or power invested in them, and it's remarkable that whilst everything was regulated by ordinance of the Governor and Council the place was quiet, which has not been the case ever since there has been an Assembly; for Colebrooke, who has been often mention'd to your Lordships by my predecessor, together with two or three fellows, who have heretofore been pirates, have infused notions into the people, that there is no power subsisting in the Government equal to that of the Assembly, when they are met, and that the King's Instructions are no way building upon them. As soon as they are prorogued I will transmit their journals and a more particular account of their proceedings to your Lordships. *Signed*, R. Fitzwilliam. *Endorsed*, Recd. 21st, Read 26th Feb. 1734 $\frac{1}{2}$ . 23 $\frac{3}{4}$  pp. [C.O. 23, 3. ff. 98-99 v.]

Sept. 10. **303.** H.M. Warrant granting leave of absence for one year on Kensington. his private affairs to Benjamin Pemberton, Clerk of the Naval Office, Mass. Bay. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 50. pp. 62, 63, and C.O. 324, 36. pp. 467-7.]

Sept. 10. **304.** Mr. Wood to Mr. Popple. Encloses following *etc.* If the Assembly is heartily desirous to settle the Province and increase its trade, the most effectual means will be, not to impose additional duties on negroes or other requisites for plantations, or to create new paper currency, but to make provision for discharging all the old paper currency *etc.* *Signed*, Wm. Wood. *Endorsed*, Recd. 12th Sept., Read 23rd Oct., 1734. 3 $\frac{1}{2}$  pp. *Enclosed*,

304. i. Merchants of Great Britain trading to S. Carolina to the Council of Trade and Plantations. Remarks upon and observations occasioned by the Remonstrance of the Governor, Council and Assembly *etc.* (v. July 23). 4th Sept., 1734. London. Argue at length against Act for appropriating £104,775. 17 $\frac{3}{4}$  large pp.

304. ii. An estimate of the charge arising, by the engagement of the Government of S. Carolina, for encouraging Col.



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Purry to transport into that Province 100 able men and 200 women and children, and for their subsistence for one year, and for purchasing tools. The £5000 a year appropriated for this service from March 1731 to Dec. 25, 1734 will produce £18,750, and provide a balance of £7,442, according to the following estimate :—Paid to Col. Purry for going to Savannah River and viewing a proper place for a township, £150. Allowed him as a premium, £2,800. Surveying the township, £500. Provisions for 250 persons above the age of 12 years at 17s. 5d. each, £4312 10s. Provisions for 50 children, half allowance, £405. Tools for 250 persons at £4 each (an axe and broad and narrow hoe), £1000. 60 Cows and calves at £8 each, £480 ; 60 young cows at £3, £180. Contingencys, at £5 a head, £1500 = £11,327 10s. 2 *large pp.* [C.O. 5, 363. ff. 130–140 v., 141 v., 142, 143 v.]

Sept. 10. **305.** Mr. Popple to Mr. Attorney and Solicitor General. The  
Whitehall. Board agrees to meet them on Sept. 9th *etc.* [C.O. 5, 401. p. 113.]

Sept. 11. **306.** Council of Trade and Plantations to Lt. Governor  
Whitehall. Armstrong. *Acknowledge* letters *etc.* of 29th Oct., 10th and 20th Nov., 1733, and 10th May last relating to the state of Nova Scotia, to the fishery at Canso, and to the encroachment attempted by your neighbours the French, upon all which subjects, we have frequently offered our opinion to H.M., and doubt not but in time, proper measures will be taken for doing what may be judged necessary on those heads. But in the mean while as there are some particulars in your letters which require our more immediate answer we shall send our opinion upon the several points therein contain'd as they occur to us following their respective dates and 1st we observe that in your letter of the 29th of October you propose that Canso should be fortified, and declare your opinion that the annual duties arising from the trade of that place will far exceed the expence. The consequence this place is of, to the trade of this Kingdom, inclines us very readily to give ear to any proposal, for rendering the same capable of defence and therefore we desire you will be more explicit in your next as to this particular affair, that from the state of the duties you mention, which we desire you will send us we may be enabled to judge the better of your proposal. We are sorry to find by your letters, that the Indians begin to be uneasy, and that the reason assigned is their not having received the presents formerly sent for them by his late Majesty. We are surpriz'd never to have heard any complaint upon this subject before this time ; however we shall take all possible care to examine into it, and will also recommend to H.M. the necessity of sending some annual presents in order to keep the Indians attach'd to our interest. We have considered what you propose with regard to establishing truck houses in order to prevent the Indians being imposed on by the private traders : But altho' this proposal may have a very

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good effect, yet we think it should be postpon'd, till there are inhabitants enough in your province to compose an Assembly and to bear the expence of it, that by your assistance with the advice and consent of the Council and Assembly they may if thought proper be regulated under proper cautions. We have likewise considered what you write in relation to the Seignors claiming land in Nova Scotia and having laid a state of that matter before the Lords of the Committee of H.M. Privy Council, with our opinion thereon, we send you a copy thereof inclosed for your information and guidance. This will in great measure answer what you have wrote about the French titles to land in Nova Scotia. Such of them as remained in that Province at the Treaty of Utrecht have thereby a right to keep what they were legally possessed of before that time, owing allegiance to the Crown of Great Britain and conforming themselves to the Government of the Province ; but such of them as went to France leaving behind them what they then enjoyed and are since returned can have no right to any land but what they shall hold from the King under the annual quit rent to be paid by H.M. subjects settling in that Province. We have considered your reasons for the reduction of the quit rents, but until you shall receive orders different from those you now have you must punctually follow your Instructions. We find by your letter of the 10th of May last, that you have receiv'd from some of the French inhabitants the quit rent due to the Crown from them ; and therefore until H.M. shall have appointed a General Receiver for your Province, you must take care to send constant accounts of what you shall receive, to Mr. Walpole, H.M. Auditor General of the Plantation Revenue, as well as to this Board. We take notice of your recommending to us some allowance for travelling charges to the Surveyor ; but this recommendation would have been more proper to the Treasury, and probably upon his application by some of his friends here to the Treasury fortified by your certificate of the service and the number of days he has been employed therein, some allowance may be obtain'd for him, wherein we wish him success. We thank you for the draught of Annapolis River which you lately sent us ; and shall be glad to receive from you any draughts or surveys which you shall be able to procure. We have considered those Minutes of Council to which you refer us for your reasons for suspending Mr. Winniet from his seat in the Council but as the account of that transaction seems not to us to be so very explicit as to enable us to form any judgement upon it, we shall only remind you that you must wholly consider yourself as a civil magistrate when you sit in Council, where, by the Constitution of the Plantations, full liberty of debate, assent, or dissent, is allowed to every Councillor and it may perhaps be adviseable not to be too nice or extreme in the infancy of a Colony in observing upon the behaviour of Councillors, unless some very extraordinary conduct in them should absolutely require it. And where there are so few civil inhabitants, one would not part too lightly with one of them out of the Council. So we bid you heartily farewell *etc.* [C.O. 218, 2. pp. 299-304.]



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Sept. 11.  
Whitehall.

**307.** Lord Harrington to the Council of Trade and Plantations. Encloses following, "which has been put into my hands by the Duke of Newcastle. You will find by it that the Danes have actually began their new settlement upon *the Island of Sta. Cruz*, and as both by your report to the King, and letter to me of the 27th June, 1733, you referr'd yourselves to a fuller examination which you proposed to make, of H.M. title thereto, the King has been pleased to command me to send this letter to you, that if anything new has occurred to you upon this subject, you may lay it before H.M., and that the King may be enabled in pursuance thereof, to give such further Instructions, as may be suitable to the present situation of this affair, to his Minister at the Court of Denmark. *Signed*, Harrington. *Endorsed*, Reed., Read 12th Sept., 1734. 1½ pp. *Enclosed*,

307. i. Mr. Coope to the Duke of Newcastle. I have this morning received a letter from Governor Mathew in which is the following paragraph of a letter to that gentleman from Spanish Town dated the 3rd June, 1734. "On Thursday last, at St. Thomas's, arrived a large ship for settling Sta. Cruz, one Motte is appointed Governor (formerly Governor of St. Thomas). They have brought a Minister, 60 soldiers, several sorts of tradesmen and some familys. She is deep laden with provisions, they expect another ship with 100 familys more. Govr. Motte being afraid your Excelley. will hinder the settlement of it, has sent up a sloop to the French Genl. for a man-of-war to protect him." I apprehend this settlement if it goes forward) will weaken the Sugar Colonies of white people, which are already too few, as it will certainly drain them of their debtors and poor settlers, will be usefull to ye French for their privateers, intelligence and provisions in case of a rupture, and is designed by them to answer these purposes. There is a great fondness between ye French and Danes in those parts, the latter were the other day assisted by the former with two sloops full of men to reduce their rebellious negroes at St. John's, which they effected *etc.* *Signed*, Ri. Coope. *Copy*. 1 p. [*C.O.* 152, 20. ff. 135-136, 138 v.]

Sept. 12.  
Whitehall.

**308.** Council of Trade and Plantations to Lord Harrington. *Reply to preceding. Continue*: Upon the best enquiries we have hitherto been able to make, nothing new has occur'd upon this subject, save that there now appears to be some doubt, whether the French abandon'd this island in 1671 or 1691; and we have some reason to apprehend, that this abandoning, or dereliction, upon which we chiefly found our title, did not take place till the last of these periods, which would make a considerable alteration in the state of the title to this island, for if the French were actually in possession of it, with a regular succession of Governors, as they pretend, from 1645 to 1691, they will probably value themselves in this dispute, both upon the Treaty of Breda in

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1667, and that of Neutrality between the French and us in 1686. In this case our title, by what we have hitherto been able to collect, must entirely depend upon the dereliction, which is a pretty nice point, wherein the civilians only are the proper judges ; and it might be of dangerous consequence, till we know what the French may have to offer in their defence upon this subject, to put the issue of this affair upon the head of dereliction only, tho' it be certain that ever since the French remov'd, by order of their Court from this Island, and demolished their fortifications, several of H.M. subjects have been settled there, and found their account in cutting fustick, and other wood. Under these circumstances, your Lordship will easily perceive that the matter is not yet ripe enough for a new report to be laid before H.M. that it may be adviseable, before we decide upon a point of this consequence, to wait for further information from the West Indies ; we shall write to the Govrs. of Barbados and the Leeward Islands for that purpose ; and as H.M. subjects in those parts are very much concern'd in the issue of this question, they will undoubtedly furnish us with the best materials they can collect, for the support of H.M. title, with respect to the several periods of time, when any European Nation possess'd this Island, and to the times and manner of their leaving it. It is not to be doubted, that this is a very valuable island, and if it should be settled by the Danes, it is possible all the evils apprehended by Mr. Coope might ensue from thence, in time of war with the French. But these evils would certainly happen in a greater degree, if it were to be possess'd by the French ; if therefore it could possibly be prevented, it would be of great service, that Santa Cruz should be possess'd by neither of those Nations. It is certain, H.M. subjects have been settled in this island ever since the French deserted it. But it is also true, that the French have of late contested H.M. right to it. Yet as the title to this, and several other islands in those parts, has for some time been the subject of debate between the two Nations, not yet decided, though several offices may have pass'd thereupon between H.M. Ministers and those of the French Court ; it is a matter of some surprize that the French should make an actual sale of this island to the Danes, and much more so, that the Court of Denmark, living in such good correspondence with H.M., should give their consent to the purchase and settlement of an Island, claimed by the Crown of Great Britain. We shall therefore humbly submit to H.M. great wisdom, what instructions may be proper to be given upon this subject to his Ambassador at Paris, as well as to H.M. Minister at the Court of Denmark. What we have further to add upon this occasion is, that before we received your Lordship's letter, we had under our consideration one from H.M. Governor of the Leeward Islands, relating to this Danish settlement, and we take leave to inclose an extract thereof to your Lordship, that you may lay the same before H.M. for his royal pleasure thereupon. In this extract, your Lordship will be pleased to observe, that there is also mention of a settlement made by the Danes at St. John's one of the Virgin Charibbee Islands, which does most incontestably belong to H.M., and which



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settlement the Govr. of the Leeward Islands is, by his Instructions, a copy whereof we inclose, expressly forbid to allow of ; whatever therefore may be thought adviseable to the Island of Santa Cruz still under debate, we are humbly of opinion, that H.M. Governor of the Leeward Islands should be directed to dislodge the Danes from that of St. John, if they do not, within a reasonable time to be fixed for that purpose, remove themselves, their slaves and effects from thence, for this island has in it one of the best harbours in the West Indies, and is also very valuable in many other respects. *Autograph signatures.* 5 pp. *Enclosed,*

308. i. Extract of letter from Gov. Mathew to Board of Trade. 19th March, 1734.

308. ii. Copy of 87th Article of Govr. Mathew's Instructions, 1733. [*C.O.* 152, 40. *Nos.* 39, 39. i., ii ; and (*without enclosures*) 153, 15. pp. 260-265.]

Sept. 13.  
Whitehall.

**309.** Mr. Popple to Governor Philipps. Enquires in what manner the presents to the Indians were disposed of (*v.* 11th Sept.) [*C.O.* 218, 2. p. 305.]

Sept. 13.  
Barbados.

**310.** Governor Lord Howe to the Duke of Newcastle. Encloses duplicates of his last. *Signed,* Howe. 1 p. [*C.O.* 28, 45. f. 325.]

Sept. 14.  
Virginia.

**311.** Lt. Governor Gooch to the Council of Trade and Plantations. Last night I received your Lordships' commands *etc.* of the 30th May last, for transmitting to your Lordships my opinion what further may be necessary to encourage the inhabitants of these parts to apply their industry to the cultivation of naval stores of all kinds, and likewise of such other products as may be proper for the soil of these colonies, not interfering with the trade or product of Great Britain. In answer to which I humbly offer my opinion that the advancing the premiums on hemp, pitch, tarr and other naval stores to the same or near the rates allowed by the Act of Parliament made in the reign of Queen Anne may be a proper encouragement to the people here to apply themselves to those manufactures, and to the British merchants to deal in those commoditys ; the length of the voyage which enhaunces the freight will always lay the Plantations under a disadvantage in the charge of importing such commoditys, especially so bulky an one as hemp, into Great Britain ; and nothing but national encouragement can enable them to furnish the British market at the same rates with the Northern Nations, whose navigation is much shorter. As the people of this Colony are now very profitably employ'd in the making tobacco, it will hardly be worth their while to apply themselves to any other thing with which they are less acquainted, nor ought they to be tempted to forsake it. But, as there are here many tracts of land that cannot be applied to the production of tobacco, and are fitt for hemp, flax, pitch, tarr, turpentine &c. there might on proper encouragements be large quantitys of these commoditys exported hence, without lessening our exports of tobacco : and more particularly as there is now a large country

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beginning to be peopled on the western side of our great Mountains, very proper for hemp, flax and such like commoditys, the inhabitants whereof will in a few years be able to raise great quantities, if they knew the easiest way of dressing it ; but all those who have hitherto attempted the making of hemp, being destitute of proper engines for breaking it, and of workmen to make them, have been discouraged by the difficulty and length of time required, and found it more for their interest to turn their slaves to tobacco which they understood, than employ them in what they knew so little of ; therefore I must think, it would be no unprofitable expence, if to each Government on the Continent there should be sent models of the best engines used in Europe for the more easy dressing and manufacturing this commodity. Then as to iron, a principal part of naval stores, and as such imported in great quantities from Sweden, Russia and Spain, it will be worth considering, whether the British Plantations which have sufficient of that kind to supply their Mother Country ought not to be encouraged by all possible means to turn their industry that way, since whatever they furnish Great Britain with is paid for in British manufactures, without straining the coin of the Nation, or subjecting that trade to be interrupted upon any rupture with the Northern Crowns. What I have offered, your Lordships will be pleased to understand as meant only of Virginia, since I don't pretend to know the nature of the soil and other circumstances of the neighbouring Provinces ; tho' by what I can learn, they are all of them capable of producing naval stores of some sort or another. As to the other point upon which your Lordships required my opinion, I answer, that the soil of these parts is fitt for all manner of grain and fruits which are usually propagated in Great Britain, and besides, the soil here is productive of rice, if that was a commodity worth encreasing ; and silk, no doubt, if we had hands enow, might be made here in good plenty, as is clear from the experiments made by some, who for an amusement have kept silkworms. How far the commoditys of other countrys lying under the same latitude might be cultivated here, such as raisins, olives, coffee and the several sorts of druggs brought from the Levant, has not yet been tried. But there is, my Lords, one part of the trade and product of country which lies under a very great discouragement, I mean our provisions of beef, pork and fish, for tho' these be as good in their several kinds as any in America, yet it is very difficult to cure them as they ought to be with the salt brought from Cape Verd or the West Indies, which is found to be of too corroding a nature : besides, the interruptions given by the Spaniards to the gathering of salt at Tortuga, Truxello and even the Bahama Islands is such, that the season for curing those commoditys is often over before any salt can be had ; which is a sensible hardship both on the merchants and inhabitants, that your Lordships will give me leave to say, it would be a just and necessary relief to this Colony, and the Southern Provinces, if the same liberty of importing salt from Portugal, which has been lately granted to New England, Pensilvania, the Jerseys and New York were extended to us. We



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should not then have our vessels exposed to the depredations of the Spanish Guard de Cost for a commodity far less useful than the salt of Portugal. As point of time would admit of no delay, and a ship just ready for sailing, I gave this answer a quicker dispatch than otherwise I should have done, but upon inquiry I find nothing omitted, so I hope it will prove to your Lordships' satisfaction *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 3rd Dec., 1734, Read 13th Aug., 1735. "Duplicate more explicite than the origl." 4 pp. [C.O. 5, 1323. ff. 143, 145-146 v., 148 v. (*with abstract*).]

Sept. 14. **312.** *Same* to Mr. Popple. Acknowledges receipt of duplicate of letter of 3rd July, 1733, "but the original I never received" *etc.* Will obey instructions relating to private acts. *Signed and endorsed as preceding.* 1 p. [C.O. 5, 1323. ff. 144, 147 v.]

Sept. 14. **313.** Governor Mathew to the Duke of Newcastle. The Antigua. Dutch and French our next neighbours have concluded a Treaty of Neutrality for the islands of St. Martins and St. Bartholomew, that infallibly, in case of a war, cutts off all communication between Montserat, Nevis and St. Christophers and Great Britain and Ireland, for ships bound hence thither. *Encloses copy*, "sent to me by the Dutch Governour of St. Eustatia, upon my sending to him for it" *etc.* Has sent his observations thereupon to the Agent *etc.* *Signed*, William Mathew. *Holograph.* 1p. *Enclosed.*

313. i. Treaty of Neutrality of the island of St. Martin. Articles: (i) In case of war against France and Holland the French and Dutch inhabitants shall remain neutral and render each other mutual aid against insults of an enemy *etc.* (ii) The French and Dutch inhabitants shall each have two vessels with commissions to transport munitions of war and provisions. (iii) Vessels of either nation going to the said island to carry provisions and munitions of war to the inhabitants, shall not meet with any let or hindrance *etc.* (iv) No one of any nation whatsoever shall in time of war send to the said island any negro or other effects to preserve them from the enemy, unless they be people who retire thither to settle with their families *etc.* (v) The same Neutrality shall be observed by the inhabitants of St. Bartholomew *etc.* 14th July (N.S.), 1734. *Signed*, Bochart de Champigny, Nicolas Salomon. *Copy. French.* 2 pp. [C.O. 152, 40. Nos. 38, 38. i].

Sept. 14. **314.** Governor Mathew to Mr. Popple. Aug. 31st. I have Antigua. the honour of their Lordships' the Commissrs. for Trade and Plantations orders in your two letters of the 30th May and 3rd July. I shall punctually transmitt with every private act for the future the certificate their Lordships require. Some people here absolutely refuse making returns of their famillys' servants and slaves, I have however fram'd the best state I can of the

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condition of these Islands and inclose it, desiring you will please to lay it before their Lordships. *Continues*:—I cannot find out what private act I shou'd have sent a certificate with. The Act for naturalizing Vessadys was not of my passing, and I suppose President Smith sent the original, there only remain the Act to regulate Mr. Smith's fees, and Mr. Yeamans' Agent Act, are not these publick Acts, are there any property's or premisses in these acts to require publication? Pray explain their Ldps.' intentions. I enclose a duplicate of mine to their Ldps. of 29th July which please to lay before them if the orriginal miscarryd. I now send under care of Capt. Toome (and have wrote to Mr. Breholt to send it to you) a box containing the following papers vizt: the duplicate Act for repairing the cisterns on Monks Hill. Duplicate Minutes of Council of Montserrat to 25th June, 1734. Duplicate Minutes of Assembly of Montserrat to 25th Apl., 1734. Duplicate Minutes of Nevis to 25 June, 1734, and now Minutes of the Council of Nevis to 25th June, 1734. I have kept this to this tenth Sept. in hopes to get the sevl. lists etc. in order to compleat a state I have drawn by H.M. Instructions, and now in obedience to their Lordships' order, of the Sevl. Islands of this Government. But I am still disapointed of the lists of inhabitants in Nevis and Montserrat, but I dare delay no longer and therefore I send it, in this box with the above mention'd papers, and those articles are blank. I shall send you how to fill them up when I can, but as I have mention'd what their militia is, and what numbers they were about five years ago, I hope these blanks will not be of moment, to prevent their Lordships making the state of these Islands they are called upon for, against the meeting of the Parliamt. I am sorry 'tis so long, but I have try'd to omitt nothing that cou'd be of information to their Lordships, I hope it will meet their approbation, it has kept me imploy'd and at hard work ever since I receiv'd yours for it. *Sept.* 14. Herewith I send by Capt. Clements (and I write to Mr. Breholt to procure and send it to you) a box containing a duplicate of ye state of these Islands, in weh. I have only as yet been able to fill up the blank of No. of negros in Nevis vizt. 6330, and I have rectifyd the article of Rhode Island as to the application of the penaltys. The Presidt. of Nevis writes me that many there cannot be persuaded to give any lists. I send too in the same box duplicate of the Minutes of the Council of Nevis to 25 June, 1734. *Signed*, William Mathew. *Endorsed*, Recd. 28th Nov., 1734, Read 1st Jan. 1735. 2 pp. *Enclosed*,

314. i. Duplicate Mathew to Board of Trade, July 29.

314. ii. A State of H.M. Leeward Carribee Islands in America. 31st Aug., 1734. *etc. v. preceding.* *Continues*: Each island must be spoken to by itself. In the conclusion I shall aim at giving a summary for the whole. I shall begin with the windwardmost Island, Antigua. Antigua is the largest Island of this Government, suppos'd to contain about seventy two thousand acres of land, but great part of this (on the South side) is mountainous



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and barren, or but fit for pasture, provisions or cotton. There cannot be of the whole above fifty thousand acres manurable for canes, for there are but 58,342 acres return'd upon oath to pay the land tax. This quantity is, it is true, under manure in some measure, but want of negroes occasion'd these acres to be not wholly improv'd, for by the last return there were upon it but twenty four thousand four hundred and eight, and consequently the produce in proportion abates, whence the exportation also must be less, and H.M. revenue so farr from encreasing rather lessen's. This observation as well concerns the other three sugar Islands as this; I shall therefore not repeat it to your Lordships when I come to speak of each of them. Another reason for the small produce from this Island is a blast that destroys the canes in a most extraordinary manner, and which has encreas'd within five years last past surprizingly, it is spreading down very fast among the other three sugar Islands of this Government, gaining ground even upon the provisions, both roots and vegetables above ground; for this no remedy has yet been found. 'Tis a publick calamity the Almighty Power that permitts it to afflict us can only releive us from. The exports from this Island the last year 1733 were as follows, vizt. Brown Sugar 12,010 hhds. 5102 terces. 3811 blls. 2nd White Sugar, 10 hhds. 4 terces. 20 blls. Cotton wool, 418 baggs. 786 pockets. Black ginger, 725 bags. 195 blls. Rum, 50 butts, 4161 hhds. 3374 terces, 631 blls. Melass, 121 hhds. 115 terces. 10 blls. This is call'd a  $\frac{3}{4}$  cropp, tho' I rather think it commune a yearly produce, this year will not produce the same quantity by a quarter part, from the blast and such weather as that the canes by their produce seem throughout to be tainted and to have no sugar in them. The year 1728 is deem'd a year of great cropp and then the exports were but as follows, vizt. Brown Sugar, 12,351 hhds. 8252 terces. 4099 blls. Second White Sugar, 6 hhds. 14 terces. Cotton wool, 352 bags. 842 pockets. Black Ginger, 639 baggs. Rum, 65 butts. 2785 hhds. 1893 terces. 718 blls. Melass, 416 hhds. 285 terces. 15 blls. For next year the weather promises to wish, but still the blast spreads as much as ever. The imports to this Islands have year after year for the last ten much dwindled. So too they have throughout the Government; the discouragements the planters have mett with from the low price of sugars have most effectively cur'd them of their former generous ways of living. The merchants too after launching in credit among us, what their consignments had afore put them in a capacity of lending, have been so frightned to find themselves so much at stake upon two or three bad cropps, no vent at home, or but little for what was

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made, and a narrow standing between two precipices, breaking debtors on one side, and a threatned warr on the other, these put together have out of necessity to some, and discretion to others, brought among us an oeconomy that calls for fewer supplies from home for our pleasures, than heretofore, and this year indeed we have almost wanted necessarys for our familys or estates. So many ships design'd to load here were engag'd to go with corn up the Mediterranean in their way hither, for the sake of good freight, that but few came directly to give opportunities for our having the European supplys, as in other years. Give me leave, my Lords, sometimes to talk as a planter as well as in my post of Governor, I still shall retain the candour that becomes me in both stations, as well as the regard I owe to your Lordships, these sett me above saying willingly or knowingly what on this subject I ought not. By the best informations I can get, these following are the particulars of imports into this Island for the year 1733. Flower, 9080 blls. Bread, 539 hhds. 9 terces. 1181 blls. Beef, 135 terces. 7696 blls. Pork, 1616 blls. 609 half blls. Butter, 3948 ferk. Herrings, 3172 blls. Madeira Wine, 1025 pipes, 9 hhds. 2 qr. cask. Negros, 761. Feet of board planks and joists, 1,629,941. Staves and heading, 1,287,270. Shingles, 1,323,850. Hoops, 321,225. The calculations I offer for that year are the only latest ones I can, the present year being not yet run out. Our cropps begin with the year, and can hardly be said to end (that is as to shipping our whole of those cropps) but with the year. This import is shorter by  $\frac{1}{3}$  on the article of flower than for four years afore, the articles of bread, beef, pork, butter, herrings, wine and lumber are pretty much as the four preceeding years. But the import of negroes which is the trade of most value and concern to the Colony for this year and the preceeding (when but 527 were imported) is fallen to almost nothing. In 1729 two thousand eight hundred eighty eight negroes were imported, and 1730 two thousand two hundred twenty eight were imported. *The Standing expence of salary's and all* (including the settlement made on me) is about four thousand eight hundred and fifty pounds this currency p. ann. for which there is a land tax by an old law that produces three hundred and fifty pounds p. ann. and an Excise on liquors that produces about thirteen hundred pounds p. ann. more. For the rest provision is made by yearly taxes. The strength of this Island is owing to its natural scituation, as well as to what the inhabitants with helps from the Mother nation has been able to provide. Your Lordships have none of you ever seen these Islands, I wish the descriptions I am going to give you of them may be so



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well made, as to satisfy your enquirys about them. I am going to speak from what I have not learnt from others, but from what I have seen, and under the apprehensions of a warr. I have taken some pains of late to know the scituations of these Islands, especially with regard to all the landing places on them. I have tryed too to mend the printed mapps I have seen of them, and I beg leave to help my describing them with such copys of draughts which I think I have pretty much improv'd on the old ones, I mean as to the sea coasts of three of these Islands only. From Reyerson's Point (the N.W. point of the Island) quite away to the N. East point call'd Indian Town Point, there is no probable danger of an enemy's attempt to invade this Island, all that sea coast is so cover'd with shoals, and so 'tis on further southerly to Flatt Point. Good pilots indeed may attempt bringing in a sloop to steal off negroes by night and away, and that in the late warrs has been done, and from such there is danger, especially on Long Island where is a sugar work and about a hundred slaves, on Guana Island and almost all along that coast. To prevent which, in case of alarm, a militia company has its post at Hogvarges, and at High Point is a dismounted six pounder, which will serve to alarm the Island at least. Upon Barnacle Point is one of this country forts or batterys with seven pieces of cannon to seaward on it, vizt. two eighteen pounders, one twelve pounder, three six pounders and a four pounder, all well mounted, and a gunner and four montrosses have the care of it. But 'tis open to the landward. This commands the Channell into Parham Harbour, and 'twill keep privateers from cutting shipping out of it, which I never heard was attempted. Upon the point to eastward of the going in to Mercers Creek is an old guard house, and a four pounder there dismounted. On a high point to the westward are two old gunns, four pounders dismounted, and good for nothing, and in case of alarm a Militia Company meets over against Goat Island. The guard house is to keep a look out at, and never was by its scituation fitt for anything else. Between Flatt Point and Pigg Point, is a very fine bay or rather harbour but a good pilot must show the way into it. The channel is to the southward of Green Island, and in this bay is my Lord's Cove, a most excellent little harbour and careening place, an enemy landing here meets with a very difficult country, that a good officer well seconded might easily dispute with them, before they get into the body of the Island. And here give me leave, my Lords, to observe, that tho' there be a Militia troop of horse in this Island of about one hundred and sixty, and tho' they are but militia and so few, yet

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these difficult parts of the Island are not so unpassable for horse, as to take from us the advantage of them against foot, and such only must be expected to invade us. On Pigg Point is a guard house now in ruin, as all these guard houses (or rather look outs) are, here is an old three pounder dismounted. The enemy may land in many places from thence to Hudson's Point, but the country is as difficult as that to norward of it; in Halfmoon Bay is an old four pounder dismounted. If the entrance into Willoughby Bay were less difficult, I shou'd much apprehend they wou'd land at the limekilns at the bottom of that bay, on alarms two Militia Company's rendezvous here; at this landing begins a low level country, a vale that extends quite through the Island from east to west, northerly, to Runaway and Dickenson's Bays, and here is no advantage of ground, not a single spot where a lesser number can show a front, an enemy wou'd not find space enough vastly to outstretch both to right and left, here in this vale is the foible of Antigua for an enemy once landed. In the bay on the north side is a fort or rather battery on which are five pieces of cannon, three of them eight pounders, a five pounder and a three pounder under the care of a gunner and four montrosses. From thence going round the south part of the Island is the Momora, a good bay for landing, and an enemy once landed may extend themselves into a large savanna, but the outlets from it into the body of the Island are all very difficult and very easily defended, and they might be kept from marauding, nor can they land here, if the Island be timely alarm'd, without being expos'd to the fire of small arms both on their right and left, from eminences that command this landing. There are two fine twelve pounders lye very near the entrance into this little bay (which is very narrow) and these mounted at that entrance might protect it, if our numbers wou'd allow of guards in these remote parts of the Island. The land thence is all high clifts. Canoes might land in the night in Indian Creek to steal, but that's all. Next to this is English Harbour, where H.M. ships of warr careen, and is an excellent safe one in the most violent storms. Here is full room for ten or twelve men of warr or more of any rate, store-houses too are provided, for which many materials have been sent hither from the Commissioners of H.M. Navy, and here the sea stores are laid up, and careening places close to the shore as to a wharf, and many more such careening places may be made in this harbour. The inhabitants of this Island have been at near six hundred pounds expence, (this currency), at compleating this wharf, and erecting these storehouses, and for the defence of it, have laid out a thousand pounds or more



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of this money in building, in a very wrong place, a fort as sadly contriv'd, and with six eighteen and three twelve pounders well mounted in it, but that it might hold gunns enough, they have made merlons between the embrasures farr from cannon proof, as being not quite six foot in length nor as thick, nor is there seven foot from touch hole to touch hole of each gunn : 'tis pittty they chuse allways to do these things (as they give the money) under their own direction, and of men that never saw a fort, rather than trouble a Governour that has. A gunner and two montrosses only are allow'd at this fort; at the wharf are well mounted three fine twelve pounder gunns, and the platform for them is now repairing, and these may be of eminent service. That nothing might be wanted to engage H.M. ships of war to careen here, very lately, at the Island's expence, have been built, two very large and very fine water cisterns, at no less charge than three thousand pounds this currency. From thence westward 'tis all vast, high clift to Falmouth Harbour. An enemy landing here might not be apprehended, if the officer that commands them well know the country thereabouts. There is a very pretty little fort advances into this harbour, on which are well mounted five eighteen pounders, one twelve pounder, three nine pounders, and one eight pounder, all good gunns, and a gunner and five montrosses maintain'd for it, and when on shore an enemy will be expos'd to the fire of the Monk's Hill fortress, and rather to that of the battery under it, call'd Codrington's Battery, where are two twelve pounders, one eight pounder, and two five pounders, but at present all five are dismounted, and one of them hardly fitt for service, and to the fire of small arms all along the steep sides of the hills. Besides from hence there is no marching into the Island, but through a very difficult country that must cost them great numbers of men, nor is there any booty on all this south side of the Island from Willoughby Bay to Carlisle Road, nor a plantation on the sea shore, but all there is for pastures or provisions. At Carlisle Point and so on to Johnson's Point westward are severall landings, but the whole sea coast is cover'd, within a quarter of a mile of the shore, with high hills parallel to the shore, and these hills are unpassable for an enemy. But even to discourage their landing to steal negroes there is a five pounder (tho' dismounted and a bad gunn) to alarm the country at Rendezvous Bay. In Carlisle or Old Road Bay, is a fort or battery on which are three twelve pounders, four nine pounders, and a five pounder. Seven of them are mounted and good gunns, the eighth is a bad one, and for these is maintain'd a gunner and four montrosses, and there

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are two twelve pounders, good gunns but dismounted, in Cade's Bay. At Johnson's Point and from thence quite to the N.W. point of the Island and so eastward to Reyerson's point, are many good landings, especially Bermudian Valley, Blubber Valley, and Musketo Cove. At Johnson's Point are two four pounders mounted and good gunns, and one too at Pern's Point. An enemy might destroy two or three plantations in Bermudian Valley, but all within these plantations is mountainous, and therefore difficult to force thence into the heart of the Island. In fine Island Harbour they may land and make what progress they please, from the scituation of the Island which is very favourable for them, and leads them at the end of about two miles to the town of St. Johns. To prevent it there is a battery at Fullerton Point in that harbour, but there is but one six pounder on it, and a four pounder dismounted a little beyond it, northerly in the valley at Hawk's Nest. From the Hawk's Bill to Deep Bay there are severall good landing places, but all under high hills, and dangerous for an enemy, who landed will find himself expos'd to the fire of small arms from those heights, and there is no marching over them, or through the defiles between them, if but meant to be defended. At Gally Bay is one good gunn mounted, a five pounder. The landing in Deep Bay is to an enemy's wish, and the bottom of it is within two hundred toise (over land) of the entrance into St. John's Harbour, but between are flashes and a salt pond, bounded at East end, with hills, that are its only strength, but it lyes too open and too inviting to an enemy. Round Ship's Stern is the going into St. John's Harbour. On the south side at Cripplegate are seven fine eighteen pounders, four of them mounted and three dismounted, and there they have been about thirty years, but no battery or platform ever yet made for them. I push'd heartily for one since I came, but the news of warr was coold, and I spoke too late, and to no purpose. These are intended to protect shipping that lye in the open road, between them and Wallington's Rock, and may be of vast service for that purpose. The barr going into the harbour, and the harbour too within it, grows shallow daily, and the largest merchant men that load here, are forc'd to go over this barr, and so lye expos'd to privateers in the open road, whilst they are compleating the last of their loading. Shipping have been carry'd off out of this road by the enemy, notwithstanding the fire of James Fort, which commands the mouth of the harbour and the barr, on the north end of which it stands, on a point steep to seaward, but the shipping are forc'd to ride too farr from it. In this fort are two twenty pounders, three nine pounders,



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two eight pounders, five six pounders, one four pounder, and a three pounder mounted, and as to their carriages fitt for service, but nine of them are but indifferent gunns, and partly honeycomb'd, which wou'd make it dangerous loading and firing them quick. Yet as they are to cover shipping, such quick firing is the service they ought to be fitt for, or for nothing but salutes. At this fort are a gunner and six montrosses. This fort is wall'd round, 'tis a little irregular square, of no strength to landward, a meer ridout. I many years ago laid out a small horn work to cover it, but it has had nothing done to it yett. The shore thence to Cook's Point is mostly fair landing, but James Fort, cover'd with the horn work I mention'd, to the north of it, the flashes to the east, and Fort Hamilton at the north end of the first bay, wou'd provide so farr against that danger. In Fort Hamilton (another badly scituated fort, built in the same or a worse stile) are three twelve pounders and two five pounders, four of these are mounted and fitt for service, and the fifth, that is dismounted, is a good gunn. Just beyond it is Runaway Bay, where in my humble opinion, the greatest danger is of an enemy's landing to invade the Island, the country behind it is that long run of level low land, a vale that reaches to Willoughby Bay, as I mention'd above. If Fort Hamilton had been better placed, and as well laid out as the worst fort in Europe, a long salt pond within land leaving but a very narrow margin between it and the sea shore landing, and a small battery to be rais'd on Pelican Point, these wou'd remedy and provide against this danger. From Pelican Point to Cook's Point, runs a line or entrenchment, now much out of repair, with three irregular ravelines, one at each end, and one in the center; and two curtains between them, this is the only piece of work in the Island that has anything of the ingineer or souldier in it, and on these ravelins are two eight pounders, one six pounder, six five pounders, and a two pounder. But all dismounted and one more eight pounder good for nothing, and not worth mounting. At the northernmost ravelin (which is at the north end of this call'd Dickenson's Bay), the land begins again to grow mountainous, and safe from an enemy's marching through it, and on the first rising are two two pounders, but dismounted; from thence the first landing is Soldier's Gutt, but no man of service wou'd attempt it. 'Tis a meer narrow sinus between high rocky hills, nor wou'd it be safe landing in Parker's Bay, which joins to my first station in describing the round of this Island, vizt. Reyerson's Point. I spoke much of cannon mounted or dismounted. I must observe that throughout the government, the people here have generally

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mounted their cannon for their batterys on high wheels like field carriages, and been at a vast unnecessary expence, not knowing, I suppose, that they wou'd be better on trucks, for that an enemy shou'd never see anything but the muzle of a gunn, least a ball taking these high wheels or any part of the carriage, dismount it. Thus farr, my Lords, I have described the shores of this Island, and whilst I have obey'd your Lordships' last orders, I at the same time, as to this and the other Islands, comply with my duty enjoin'd to me by H.M. eighty fourth Instruction, as well as what I am ordered by the 71st, 80th, 82nd, 93rd and 99th Instruction. What remains of fortification on this Island is the fortress on Monk's Hill, a retreat for women and children, and for ourselves when we can keep the field no longer, a cover for our best effects, a disappointment to the enemy that come for plunder chiefly, and where H.M. sovereignty of this Island must be preserv'd to the last extremity. This fortress, my Lords, is built on a most ill shaped piece of ground, the summit of a hill, not quite out of command of two others, that lye easterly, and west southerly from it, and the Antigua engineer has so well follow'd the irregular shape of the hill, that the fort is as ill shap'd, and has as little artificial meaning for defence, as ever was contriv'd. However, 'twas so much the darling of the Island, that no summes have been spair'd to make it what it is. There are very high walls, very well built, quite round it. As for lines of defence Razantes or fichantes, no such thing was ever thought of or intended by the director of this work. These well built high walls on a very steep hill (except on the west end) take in about ten acres of ground, and in it is one good magazine to hold three hundred barrells of powder, an arsenal for small arms, in which there are four hundred and four musketts, and seven hundred and fourteen bayonetts in good order, and thirty nine with two bayonets out of repair. Twou'd hold as many more if better dispos'd. An old leaky magazine and another that is untight at the foundation, and a large store house, on which there is now a new roof putting on. For a garrison there is a guard bed the whole length of a guard room one and twenty foot long, and no more, with a little place adjoining that will hold a couple of serjeants. There are seven water cisterns, not one of them arch'd, in very bad order, but going to be repair'd, and the gunner and officer of the guard live in houses built, by their predecessors, at their own expence. This is now the chief arsenal of the Island, I have crouded thither all the powder I cou'd, and there is now in the magazine about 14,700 weight of powder, and on the esplanade about two thousand cannon ball, two hundred and three



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bomb shells, and a mortar, but not of a size with all the shells, and three hundred and sixty hand granade shells. In the gunner's care is a small quantity of cartridge paper, and gunner's stores, about three thousand five hundred musquet flints, and a small gunn; a larger I am sending thither from another fort in the Island, and the following cannon, one thirty pounder, one twenty four pounder, two twenty pounders, four eighteen pounders, six twelve pounders, three eight pounders, six six pounders, eight five pounders, two four pounders, in all thirty three pieces of cannon, of which thirty are mounted. And the Treasury of the Island pays sallarys to a gunner and nine montrosses for this fortress. There are besides at the severall other batterys on forts in this Island, about fifteen hundred weight of powder, and one thousand four hundred and fifty six cannon shott, and now we receive five thousand three hundred and seventy cannon shott more from the Office of Ordnance. It was many years the favorite publick work of this Island, and the summ's expended on it have been immense, in proportion to the size of the inhabitants' purses; it has been thought, in money and negro labour, to have cost, at times, not less than fifty thousand pounds sterling. But they grow cooler now in their opinions of it and are very backward in adding a little to the expence, to justify the rest they have been at. I am pressing them constantly (but in vain) to provide it with covering for a garrison, as barracks etc. I have urged that shelter from the weapons of an enemy and none from inclemency of the weather may do for twice twenty four hours, but the immense expense they have been at for the first must be lost, for want of a trifle laid out for the latter. This was intended to be a safe retreat for women and children. Can such as these hold out expos'd to two rainy nights? I alledg'd too, that such barracks in time of peace, or till an enemy was actually landed, might receive the detachment of H.M. regiment station'd in this Island, keep them from punch houses, consequently healthy, keep them to discipline, so better able too to defend the Island. But they will not do it as yet, I must own the expence of the cisterns at English Harbour this year, has lain very hard upon the Island, with so bad a cropp to support it. But what makes me most uneasy, some talk slingly of it and nothing will please those, but the Don Quixotisms of cutting four times our number to pieces at a landing, or in a pitched battle. Give me leave, my Lords, to tell you my sentiments in opposition to these gentlemen, and for maintaining Monk's Hill fortress, bad as it is, whilst our little army in the field, keeps between the enemy and this fortress (the access

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to which is naturally with great advantage to be disputed with them) here the booty the enemy chiefly want, may be kept from them, I mean our negroes, for keeping the heads of negro familys or their children here, the parents will not so readily run into an enemy. It surprizes me that Barbados has no inland fortification, but setts their all at stake on disputing their landing with an enemy, and this with militia only, no regular troops. My Lords, we have within our memories a most flagrant example of the consequences from loosing the sovereignty of an Island, but for a few days or a week or two, when the French invaded St. Christophers in 1706, they march'd round the Island at pleasure, and where they wou'd, the inhabitants kept their Charles Fort and Brimstone Hill, the British colours still flew there, and of the negroes but a very few wou'd desert their masters, so that out of eight or nine thousand, the French of all sorts hardly carry'd off twelve hundred. But in Nevis where they kept no hold, but capitulated and surrender'd, there the negroes seeing their masters in the power of the enemy thought it high time to make terms for themselves, and the French carry'd off four thousand out of about six thousand that were there. This alone, my Lords, shou'd sufficiently perswade maintaining an inland fortification. Besides here is a retreat for wives and children, and with them we save our little plate &c. if nothing else, I pray your Lordships will permitt me to add. Our warm climate will not allow of hasty marches with our foot, an enemy will hover in their ships from bay to bay for a day or two to fatigue us. But our landing places are many. If we cou'd tumble in their way at landing, their first debarkation may happen to be of regular troops, and the number equall at least to all in the Island, of this Government, they attack. What are we to do? I allow they land even under one of these batterys, that the gunners are expert and that they drownd and kill fifty or a hundred, and that instead of landing twelve hundred they then land but eleven hundred men. Here are but a handfull of regular troops, all the rest is militia, nine in ten of whom never saw an enemy. If we attack these and our militia don't stick to their duty, but give away (for these hundred and fifty soldiers I hope they will not) this will be a very bad beginning to flush 'em, my life for it, they will shift for themselves, and will never see an enemy again. With humble submission, if the opportunity was fair and advantagious, with the soldiers (for whom we must press horses) with the troop of horse, and it may be with one hundred of the militia foot well chosen, and mounted, and with these the same number of our faithfulest and boldest negroes (all except the negroes being mounted) these



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will come fresh and fitt for service, where an enemy shall think to land, here they may dismount. An enemy then will see by the countenances of the inhabitants, they are not to have something for nothing, but as for the rest of the militia, they must be farr behind, and gain heart by degrees, what can be expected from a parcell of servants that have nothing at stake and are neither very fond of the country, their masters, or their own condition? We must first secure our inland fortification. When they have gain'd their landing, we must continually hover round 'em, with our little troop of horse, to keep the negroes from running into them, we must familiarize our militia with seeing them, flush them with two or three successfull partizan expeditions, worry the enemy night and day with all the advantages the terrain naturally gives us, and then it might be hop'd, and this in few days after their landing, that the inhabitants might be able to give me work enough to do, make them sufficiently weary of tarrying among us, and spoil their hopes of much plunder, and have but little stomach ever to come again. I will venture to foretell that the Governour that putts his all at stake to dispute an enemy's landing, with such a raw unwilling militia only, without regular troops, and make such a total push his first essay, will lose his Island. 'Tis not to be done, but by getting to the beach fresh, and with some regular troops at least, and that too where the terrain lays you, just before their landing, somewhat under cover from the fire of such small vessells, as to be sure with their cannon (if not their small arms) will come close into the shore to cover their landing. It only remains to tell your Lordships what strength we have to defend these batterys and forts. The whole number of inhabitants on Antigua are this year, 1734, vizt. : men, 1242 : women, 1336 : children, 1194 : slaves, 24,408. In 1729 the list was. Men, 1337 : women, 1096 : children, 1655 : slaves, 22,611. Besides these, there are five companys of H.M. regiment station'd here, which may on their present establishment with officers, amount to about one hundred and fifty effectives. *A troop of militia horse of one hundred and seventy men, a Militia regiment of foot consisting of two hundred and eighty five men, and a second militia regiment of foot, four hundred seventy seven men, a third militia regiment of foot, two hundred forty four men, and gunners and montrosses forty seven.* The shipping in our harbours cannot be defended by the ten or twelve men on board each, but must wait their safety from the shore, from these I shall hope to form a battalion of about four hundred men and from among our negroes, we certainly may arm a thousand sturdy faithfull fellows, that with a little

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encouragement, will I know do eminent service. But this is a dangerous experiment for thereafter, however it must be done, so that in the whole, if I shou'd not be able to gett the rest of the King's regiment up, nor any succours from the other Islands, nor from the ships of warr, yet I promise myself to have of all sorts two thousand seven hundred seventy and three men, of these by the disposition I have made, I allow four hundred and eighty men for the garrison of Monk's Hill, and I must keep the field with the remaining two thousand two hundred ninety three men. And here, my Lords, give me leave to observe that a West India troop of horse is mostly gentlemen, pretty tollerably arm'd, and accoutred, but many of them poorly mounted, on little horses of about fourteen hands high, that know nothing or very little of marching or wheeling, if they will stand fire. I have done with the state of Antigua and have made many remarks that suit the other Islands, therefore shall have less to say of them, I have only to add, that in case of service, I have better hopes from the inhabitants of this Island, than from those of the other three. The Militia officers have taken more pleasure in discipline, they are getting the Militia better arm'd, and give better examples to their men, than I can gett them to do in the other Islands.

*Montserrat.* The next Island is Montserrat, the least of the four chief Islands. It cannot be suppos'd to contain above thirty thousand acres of land, of which near two thirds is barren, mountain, and precipiece; nature has provided greatly for its defence; as to its produce it is stinted for want of negroes, and suffers in every point as Antigua does, for there are but six thousand one hundred and seventy six negroes upon it, that is an encrease of but three hundred twenty one negroes in four years last past. The blast too has began upon it, and is gaining ground. The exports from this Island the last year 1733 were as follows, vizt.: Brown Sugar, 2299 hhds. 1586 trs. 72 blls, 311 kkns: Cotton wool, 113 bgs, 82 pockets: Rum, 308 hhds. 53 trs., 17 blls.; Molasses, 342 hhds, 7 trs., 6 blls: Piemento, 5 hhds. 1 trs.: Indico, 1 bll. 4 ferks: Lime juice, 6 hhds. 1 bll. This is a tollerable crop. The year 1728 the produces was as follows, vizt.: Brown Sugar, 3381 hhds, 1137 trs, 189 blls, 145 kkns: Cotton wool, 68 bags, 1 pocket: Rum, 109 hhds, 48 trs. 50 blls.: Molasses, 174 hhds, 54 trs, 7 blls: Piemento, 1 hhd, 2 trs, 9 blls.: Indico, 9 blls, 31 ferks: Lime juice, 17 hhds, 25 blls: and this was reckon'd a great crop. The imports to this Island have decreas'd in negroes, which is the article of most value, as those to all the Islands of this Government have, for the reasons I gave in the article of Antigua. By compairing the



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imports of 1728 and 1733, as hereafter specified, the proportion of that decrease is to be computed. The imports in 1728 were as follows, vizt. Negroes, 1162 : Beef, 45 trs. 2157 blls : Pork 150 blls.  $66\frac{1}{2}$  blls : Butter 468 ferk : Herrings, 265 blls : Feet of lumber, 583,300 : Flower, 531 blls : Bread, 4 trs, 38 blls : fish, 119 hhds, 4 blls : Oyle, 21 blls : Horses, 91. : Mackrell, 53 blls : Candles, 193 boxes. But in 1733, the imports were as follows, vizt. Negroes, 90 : Beef, 158 trs, 1848 blls : Pork, 329 blls,  $91\frac{1}{2}$  blls : Butter, 638 ferk : Herrings, 555 blls : Feet of lumber, 786,375 : Flour, 100 blls : Bread, 5 trs : Fish, 45 hhds, 121 blls : Oyle, 33 blls : Horses, 133 : Mackrell, 86 blls : Candles, 149 boxes. The shore of this Island is to be landed on no where but on the west side at the South end. (*p.* 155 *v.*) At Roaches Bay, there is a little landing place and good anchoridge, but from thence quite to the town of Plymouth above the shore, the land trenches down a steep slope from very high hills, and consequently the enemy that lands there must be under the greatest disadvantages, expos'd to the fire from above, and a very fatiguing march up these steep declivity's. There is indeed a possibility of landing further eastward, at Palmeto Point, but the Do'sd'âne is just above it, so that an enemy once ashore, must gladly reimbarc again. At this point are two small three pounders dismounted. Between Roaches Bay and Kingsale, at Reeds point is a six pounder dismounted, at Gibbon's Inch another. At Kingsale there is a battery allmost close to the water's edge. There are four old six pounders now dismounted at this battery, these were rather to protect vessells in the road, than to prevent a landing, the High clift running immediately behind it, would stop an enemy, tho' ashore. From Plymouth to Bramsby's Point is the only fair landing for an enemy on the whole island. At Plymouth is a fort like the Antigua forts, it is more properly a battery, without merlons, and just wall'd in next the land to lock up the fort at night, but this is only to cover the shipping at sea, an eminence on the shore looks into it, at not fifty yards distance. There are in it two twelve and four six pounders, old and honeycomb'd but mounted on good new carriages. They serve for salutes, two six pounders and two three pounders dismounted, their trunnions broke off, here is what they call the magazine, and the only thing of the name in the whole Island. 'Tis an old square wall'd building, abo't ten foot square, and roof'd with boards and shingles. They have in it about eighteen hundred weight of powder, and thirty three kegs of musquet ball, a very few rammers, sponges, ladles and worms, and about one hundred and fifty unsizable cannon shott near it. The shore to

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Bramsbey's Point is low, and so is the country behind it, but heretofore, a little above the beach, have been made some poor entrenchments that may (and I believe will) be renew'd, in a better shape, to oppose an enemy at their landing. But the Islanders must first see a danger near. On Bramsbey's Point are two nine pounders, and a six pounder, old and dismantled, and five more six pounders without trunnions. At Old Road is a very good bay for landing, but the country immediately rises into very steep hills, and an enemy cannot make any progress this way if but a very little opposition be made. There are here the ruins of an old battery, well plac'd in the draught, but now in a most ruinous plight, and on it, two twenty four or rather thirty pounders dismantled, and spik'd, five twelve pounders with their trunnions broken off, and about thirty six great shott. The shore quite to Carr's Bay, and so to the Great Bluff, and Pelican Point, has severall good bays for landing, but above them all is a most difficult mountainous country. At Carr's Bay are two six pounders mounted. From Pelican Point quite South easterly, the shore is full of shoals, a steep beech and no landing. At the South east end between two gullies of a most stupendious depth, is the Do'sd'ane, the last retreat of the inhabitants, and by nature impregnable, or with very little help might be made so. This is of large extent, and might shelter the inhabitants of all colours with their effects and most of their cattle &c. for a longer time than 'twou'd be worth an enemy's while to keep on shore, but this must be a last retreat only. For if they do not defend the whole Island, an enemy might ravage it, burn the canes, buildings, and make such waste as that the inhabitants, leaving the D'osd'Ane, when the enemy is gone, wou'd find themselves reduc'd to a famine, for themselves and slaves, and little able to rebuild their houses, windmills and other plantation buildings. Your Lordships find by this description, what these people have been reduc'd to by the French, when they invaded the Island during the cessation of arms, that preceeded the Treaty of Utrecht. 'Twas they broke off the trunnions and spik'd up the gunns. The beginning of this year, when our English news threatn'd us dayly with a warr, I offer'd to lend them four twelve pounders, eight nine pounders, and eight six pounders with shott in proportion. These are gunns I had under my care at St. Christophers, remaining of his Grace the Duke of Montagu's expedition to Sta. Lucia, and they have now of these the eight nine pounders and eight six pounders, with a hundred twelve pounder, two hundred nine pounder, and two hundred six pounder round shott, and sixty cross bar shott for twelve pounders, sixty for nine pounders,



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and one hundred for six pounders ; the Captain of H.M. ship of warr I came over in has promis'd to bring them from St. Christophers the four twelve pounders. These are to be return'd at his Grace's order, unless H.M. will be graciously pleas'd to buy them of his Grace and bestow them on the Island. This might, I humbly conceive, be much cheaper and more readily done, than if they were sent out upon freight. The poor people of this Island (and indeed they have been very poor since the French as above mention'd destroy'd great part of their Island, carrying off a very many of their slaves, and doing great wast) they have endeavour'd mounting these gunns, and I had engag'd the Capt. of H.M. ship of warr on this station to cutt them and bring them from Sta. Cruz timber for these carriages, and I hope to get them compleated soon, or by Christmas. But the expence is very heavy upon them. This little rocky island is mostly inhabited by Irish Roman Catholicks, who demean themselves peaceably and with all good neighbourhood with the Protestants, and wou'd I really believe as heartily defend the Island as can be desired. The strength for their defence consists of a *Militia troop of horse of fifty four troopers*, and four officers, and a Militia regiment of foot of three hundred fifty nine men officers included. The whole number of inhabitants this year 1734 is as follows :— Men —, Women —, Children —, Slaves 6176. In 1729 the lists were Men 294, Women 284, Children 475, Slaves 5855. There is a company of Brigdr. Jones's regiment station'd here, and in time of peace they keep in the fort at Plymouth Town, as a little guard. But in case of warr I intend bringing that Company to Antigua. Montserrat will not be lost for the want of this one company of between twenty and thirty men, but these men in case of danger may better come to their relief with the other five at Antigua, and in the meanwhile, learn there those evolutions, with the other five company's, in battalion, that cannot be taught to such small numbers. I intend too to remove, for the same reason the one Company at Nevis to join the three now at St. Christophers. From St. Christophers they may with great ease be thrown ashore with the other three on Nevis, and the six too from Antigua, and these in reality will be the only two body's I can certainly depend upon to go with me where the enemy shall be, and better service may certainly be hop'd for from them, than if they were, as they now are, weaken'd by two single company's being on two different Islands, and there of little or no use for defence.

*Nevis.* I am distress'd for want of a draught of Nevis, I will endeavour to describe that Island, however, to your Lordships, in the best manner I can. I formerly

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saw a printed sketch of that Island, but know not where to find it now. And I never yet on the spott have attempted drawing one. This Island is suppos'd to be twenty four miles in circumference, it is bigger than Montserrat, and as it is as one large very high mountain in the center gradually sloping down on two sides of the Island (which is near triangular) to the sea shore, so it has more manurable land upon it, is capable and does make much more sugar than Montserrat. I believe there is now twenty thousand acres of land in manure upon this Island, which tho' prodigiously rocky and stony, yet the earth between these stones is mostly rich, and does not wear out and grow barren as the soil of Antigua or St. Christopher does. There are but 6330 negroes upon it, and 'tis pitty there seems no great likelihood upon any encouragement in trade of that number encreasing. The people of this Island strangely differ from all their neighbours in particular ways of thinking, which they hold very fast by, and 'twere to be wish'd they wou'd not. And they receive most precedents or advice, from the rest of mankind, so unkindly as if they were intended insults offer'd to their understandings. That the Island, from being the seat of trade of the four, is no longer so, but the Virgin Nevis (as having never been attempted by an enemy) yet was lost in the most ignominious manner, and is now fallen into great decay, and very few inhabitants are on it, and these give themselves so little concern for what the next warr may produce against them (except keeping the one fort they have in tollerable order) nor do, or will do anything for their own defence, much less for improvement, of their estates, that it makes me down right angry with them. For, my Lords, this is all literally true, and I am heartily sorry for it. I cannot even get a tollerable law from them for disciplining the very few there is of them, much less for arming them. Yet nature has given them an Island easy enough to be improv'd, and as easy to be defended. How can they answer the neglect of it? Here the blast too is getting among the canes apace. The exports from this Island the last year 1733 were as follows: vizt. :—Brown Sugar, 5,691 hhds; Melasses, 20,655 gallons; Rum, 760 gall; Lime juice, 100 gallons; Cotton wool, 639 pound. This is a usual crop. The produce in the year 1728 was as follows, vizt. :—Brown Sugar, 5,551 hhds.; Melasses, 72,864 gallons; Rum, 737 gallons; Cotton wool, 7278 pounds. The decrease of imports I accounted for in the article for Antigua. As to its natural defence, I am to inform your Lordships, that the three sides of this Island are to the north east, south east, and west nearest, all the shore to the north east is inaccessible from a ridge of rocks that cover it,



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at about half a mile or a lesser distance from the shore, except at a little decay'd town, on the north side of the Island, of three or four houses call'd Newcastle, where is a small channell for sloops to come in under a pilot's care. The south east side is almost as inaccessible, but there are two or three little gaps or landing places, but such as ten men might defend against ten times as many, and at one of these this Island was surpris'd by the French and taken. At these are little poor batteries and on them the following gunns vizt. At Soldiers Gutt is a dismounted six pounder. At Salt Pond Gutt is a dismounted six pounder. At Long Point Fort are two nine pounders and a six pounder dismounted. At Galdings Bay Fort there are one or two unserviceable old gunns. Beyond Long Point, at a little more than half a mile distance, westward, is the chief fortress of this Island, call'd Charles Fort. It stands on the South west point of the Island. The road for the shipping is under the cannon of this fort, and the town (call'd Charles Town) is in the bottom of this bay easterly from it. The north point of this bay is call'd Black Rock. The shipping ride safest here of any open road in the four islands. The Island covers them from south east, easterly to the north east, where the narrows open at north, between this Island and St. Christophers, which are not above a league over. Charles Fort was laid out on a larger plan than the forts usually are in these Islands. I imagine the whole circumference to contain near six acres, it is commenced by an eminence within half musquett shott of it. To landward on two sides 'tis an old ruinous rampart and ditch, the other two sides are to seaward and are well fac'd with stone, the platforms well pav'd, and a low parapet wall, but no merlons. There are in it the following cannon. Three thirty-six pounders, two thirty two pounders, five thirty pounders, two eighteen pounders, four twelve pounders, one eight pounder, two six pounders, all these are well mounted, and for these they have about twelve hundred and sixty round cannon shott, sixty chain and thirty six cross barr shott. But for this battery, and for all the other batterys in this Island, as well as for the Militia, there is in the magazine but fifty four and a half bls. of powder, and four thousand one hundred and sixty weight of musquett ball, a very small quantity of match, and a few gunner's stores, seventeen for all arms in tollerable order, and forty nine spoilt for want of care. This fort is under a Master Gunner, and twelve montrosses, and the company of Brigr. Jones's regiment station'd in this Island, keep a small guard there. At the town are two twelve pounders mounted, but the touch holes are stop'd, they must be new drill'd.

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At Black Rock Fort, the north easterly point of the bay, is another battery to cover this road. This fort is only an open battery, but lies low almost to the water's edge and therefore the fire from it at an enemy's ships, bids fairer for execution. Here are the following cannon pretty well mounted, vizt. One thirty six pounder, one two and thirty pounder, two twenty-four pounders, and one fifteen pounder. And there are here besides two fifteen pounders and a twelve pounder dismounted. From Black Rock quite to Round Hill, which is the north west point of this Island, is almost a continued bay, and a fine sandy beach, where is landing for an enemy almost anywhere, and it extends at least six miles. To cover this there have been lines thrown up for the whole length, a good ditch and rampart, and it was by this intrenchment (which may be easily repair'd) well to be defended; at distances were something like platt bastions, fac'd with mason's work, and merlons on the parapetts, cannon too mounted on them, to scour the curtains between them. These they call forts, where this line begins near Black Rock at a pond call'd Black Rock Pond there is a twelve pounder mounted. Pursuing this line you come to the first of these platt bastions call'd Queen Anne's Fort, but no cannon is on it. On the same line farther on it, norward, is Old Road Fort, another such, and in it is a twelve pounder mounted. Then is Cotton Tree Fort, but no cannon on it, and beyond it Cole's Point Fort, where is a dismounted gun, bury'd in the earth of the rampart. At Morton's Bay is a fort on the same line or entrenchments and a twelve pounder is mounted in it. At Cade's Bay beyond it, is an old unserviceable nine pounder, at Musquets Point Fort, is a twelve pounder, and eight pounder and a six pounder all three dismounted, and at Round Hill Bay Battery, are two six pounders, but not fitt for service. There is a hill in this Island call'd Saddle Hill, that is inaccessible by nature, or with very little art might be made so, and a very safe retreat for all the inhabitants and most of their effects, if an enemy should drive them to it. Had they kept this when the French took the Island, they had not probably lost a quarter as many negroes, as they did, as I observ'd before. There was some years ago a summe rais'd and apply'd for fortifying this hill, but they have spent the money and the hill is as 'twas. This Island when Sr. William Stapleton was Chief Governour of these Islands, is said to have had three thousand effective men on it. But now their whole number is but poor *three hundred twenty two* and these form'd into what shou'd be a *militia troop of horse of sixty (five officers included)*, and a *militia regiment of two hundred fifty seven men*, and these mostly without



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arms, and quite without discipline, nor will they by a law, as at Antigua, have any. Even Montserrat has almost a hundred men more on it. The following is a list of all the inhabitants on this Island, vizt. : Men —, Women —, children —, Slaves 6330. In 1729 there were on this Island, Men, 373, Women, 390, Children, 533, Slaves, 5646. A Company of Brigr. Jones's regiment does centinal duty in Charles Fort, I mention'd to your Lordships in the article of Montserratt my intention, in case of a warr, to remove this company to St. Christophers. The establish'd certain yearly expence of this Island, including the £300 p. annum settled on me is but £739 this currency.

*St. Christophers.* I am come now, my Lords, to describe the Island of St. Christophers. This Island is second, at least, in this Government to Antigua, very little inferiour to it, in some articles superiour. Antigua has good harbours, more manurable land, more negroes, better built. St. Christophers no harbours, but the land much more kindly for sugars, manur'd acre for acre, with great ease, even with near two thirds of the number of negroes, has rivers of fresh water therefore the vast expence of cisterns not quite as necessary here as at Antigua where there is none, for the better sort of inhabitants for drinking without them, and is much better fortified by art and is equally so by nature. I imagine the whole Island may contain about fifty thousand acres of land, though most people think it contains much more. But there runs for a length of at least twelve miles, through the middle of it a long chain of unmanurable mountains, that take up much above a third of the body of the Island, and at the east end call'd the Salt Ponds, are about three thousand acres of mountains, and barren lands, the best of them only fit for provisions. By an actual survey there is not in the Island quite twenty five thousand acres of sugar plantation. And 'tis pretty extraordinary that tho 'twas all in woods, when divided by Sr. Thomas Warner and Monsr. D'Esnambuc, who 'tis said both settled it in one day, dividing it between them then, and this cou'd not have been done by a real survey, yet we now find the proportions so exact, that the difference of sugar plantation between the English part and the French, barely exceeds two hundred acres. The whole of these Islands is certainly as healthy as any part of Europe. But we here think Montserrat and this Island healthier than Nevis or Antigua. From an observation of my own, of some years, I have found that of the militia of St. Christophers (and they are the most irregular and most mortal of the two sexes) there dy'd but, in the proportion of one in five and thirty in fifteen months. The improvement

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of this Island within twenty years past is very extraordinary. And to its own glory, it must be said to be owing to its own fertility. This alone has enabled the planters, who have no more industry than their neighbours, to purchase the French part at a high price, and to settle with negroes etc., these purchases. Still have they at great expence supported the publick charges and the Government as well as fortified one part of the Island, cheerfully too, and at one time the Militia knew their duty as well as Antigua. But 'tis not so now, nor has been for ten years past. They have been taught that military discipline is tyranny and the common stipulations for party elections have been that they should have no discipline at all, strange preposterous sacrificing a country to satisfye ill nature ! If the planter here is still in debt from the purchases and improvements he has made, still the known value of the land procur'd him the credit, and he may every day find purchasers for his bargain, that will ridd him of his creditor. There are negroes yet wanting, and the Island wants some further improvements, but this want of negroes, will arise rather from the lands growing poorer, consequently more to be tended and manur'd, than from want of strength to put more of it than is at present in culture. There are now seventeen thousand and thirty five slaves on this Island, an encrease of near five and twenty hundred in five years. Antigua has encreas'd its number but eighteen hundred in the same time. But in 1717 there were but seven thousand and nine hundred seventy three negroes on St. Christophers. The blast I am told has begun within this year past to get into some few plantations and 'tis greatly fear'd is spreading. The exports from this Island the last year 1733 were as follows, vizt. : Brown Sugar, 16,869 tierces ; Rum, 26,222 gallons ; Melasses, 240,088 gallons ; Cotton, 8,888 pounds. This is a very great crop, for the tierces of sugar at St. Christophers rather exceed in weight the Antigua hogsheads. In the year 1728 the exports from this Island were but as follows, vizt. Brown Sugar, 12,562 tierces ; Rum, 2111 gallons ; Melasses, 143,800 gallons ; Cotton, 3600 pounds. By this your Lordships see how this Island is improv'd, for this last was a very good cropp, as the Island then was settled. As to the imports I cannot observe no other way's on them then I did in relation to Antigua. But I cannot be as particular in them, as I was on those in the article of Antigua, for I now find by enquiry no regular accounts in the Customs House there have been kept, till of late (since the beginning of 1733) of the imports. So that I can neither have the whole for that year, nor for this, as this is not yet expir'd. Nor are the imports mention'd for all



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the other Islands, but only the articles of most concern. and I find in the return from St. Christophers the article of wine omitted, which I have not time now to send for. But that import hardly vary's from year to year in either of the Islands. Montserrat expends a proportion to what is expended in Antigua and St. Christophers. But Nevis is very moderate in that article. The current *expences* of this Island (including the settlement made on me in addition to my sallary for here-after), except the charge on the fortifications which are building, amounts yearly to about sixteen hundred pounds that Island's currency. A law has already provided for my settlement vizt. eight hundred pounds p. ann. the remaining £800 p. ann. is provided for by yearly levies. This is a vast disproportion from the expences of Antigua. But at that Island they pay constantly about six hundred and fifty pounds a year to the Treasurer. At St. Christophers only five p. cent when they raise a levy, and they are sometimes four or five years without one. And at Antigua the gunners' and montrosses' wages amount to nine hundred pounds a year, here so few montrosses are allow'd that those wages in St. Christophers do not at present exceed two hundred and fifty pounds a year, but I will struggle hard with them to allow ten montrosses for the Hill, and ten for Charles Fort, and I hope to obtain it. Since my coming to the Cheif Government the Assembly have refus'd nothing I have propos'd to them for the good of the Island. A former law laying a duty on negroes, for one year, and the revenue on the Powder Act, and duty on liquors imported, are apply'd to completing the fortifications, and with the help of labour from one plantation the negroes (as usual) it is sufficient for that purpose. Hereto I add a mapp of this Island, to explain to your Lordships the discription I am going to give you of it. But I am forc'd, in this mapp, to give in the two French quarters of this Island, the old French names, where new English names have not been given. At Deep Bay Town on the north west of the Island is an inlett for small vessells to go in and anchor, before the town, where they lye in smooth water, the surge of the sea being broke by the rocks call'd Hogstyes that lye without this little anchoring place. On a point a little to the westward but to keep an enemy from coming in at this inlett are three old guns mounted. A little to the south east of this town towards the old French frontier, within land, is a little fort or redout, but quite gone to ruin, and now of no use, the rampart and ditch, which remains not quite fill'd up, show such a little fort had been there. From thence eastward quite to St. Antonio's Hill there hardly is any landing for an enemy, the whole coast is

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protected by ledges of rocks, and there is almost always a very great sea tumbling in over them. The inhabitants it's true watch fair days and now and then get their sugars off at Half Moon Bay, and Red Flagg Bay, but the sloop that is to carry them round to the shipping on the south side of the Island anchors without these breakers, and on the wind freshning northerly rides in great danger; for this reason they often lose their voyage, and are forc'd to return for want of a calm, but never lye there the night. Severall have been lost in these attempts. Yet a French privateer was bold enough in the last warr, to lye off and on in a moonshine night, whilst her perigua went ashore, at Charles Gutt, and stole off a few negroes from the adjoining plantation, and might have done more mischief, but their hearts fail'd, and they ran off in such confusion, that they left three or four of their crew behind them. St. Antonio's Hill must have been a name the Spaniards had given it before the English settled here. Herrera says the right name of Antigua was Sta. Maria La Antigua from the great Church at Seville. There is a hill on the north side of that Island near Reyerson's Point, call'd still Sta. Maria's Hill, by the inhabitants without their knowing why. From St. Antonio's Hill quite round the Island, south and westerly so northerly to Deep Bay, an enemy may land almost everywhere. Neither in Cockle Shell Bay nor in Major's Bay is there any cannon to prevent them, or 'till we come westerly, to the Mornes. All this quarter is call'd the Salt Ponds, and is in a manner cut off from the rest of the Island, by the narrow isthmus at Fryers Bay, and then next by St. Timothy's Hill, which is very high, difficult to pass over even on foot, and fills up quite the Isthmus there from sea to sea, and as all this is poor land, very little of it fitt for canes, so there are very few settlers to give the care of cannon to; for the same reason there are none at Bugg's hole, the Grand Goulet, White House Bay, or Fryer's Bay, all excellent landing for an enemy. But it must be impracticable for them (if landed any where here, and the Island alarm'd) to march into the Island westward, over St. Timothy's Hill, if but twenty men there to defend it. Yet the English landed there in Fryer's Bay in 1690 to retake this Island, marched over this hill, and carry'd their point, and the hill then had its name from Sir Timothy Thornhill one of the commanders. At Bugg's hole in the late warr little French privateer sloops us'd to hide, and intercept vessells going between Basseterre Road and the Road at Charles Town Nevis. The landing at Frigate Bay is quite open to an enemy. There is no cannon here or anything to hinder them, but I intend to mount some there as



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soon as I return thither. When I came first, as Lieutenant Governour of this Island, I found none mounted in either French quarter, not even at Basseterre Town. At the Mornes (the French patois word in these parts for little hills) was an old French battery without merlons, that lyes to windward of the shipping riding in Basseterre Road, this has been in a pretty good manner repair'd and a little magazine built in it. There is a mound of earth at the back of it, that might be improv'd to keep an enemy (landing in Frigate Bay) out of it. But tis farr from the town, no large guard can be afforded to be kept there, and such an addition might cover an enemy and their booty to make good their going off, after an invasion or after even an insult only in that quarter. Here are mounted, but the carriages are out of repair, three old French eighteen pounders, not very good gunns, one of them wants new drilling, and two good three pounders. From thence to within half a quarter of a mile to the eastward of Basseterre Town, and so quite before the town, and to the westward to Bluff Point is a low fine bay and good landing. In the town a small magazine is built, and near it remains an old French battery, which is now the only cover from the town for the shipping. This is without merlons, on it are mounted an old French eighteen pounder, three good six pounders, and dismounted there are one good six pounder and four good four pounders, and just by it is this little magazine, arch'd and bombproof, in which is about two thousand weight of powder. Let me, my Lords, tell you that merlons have been pull'd down, in this Government, men of high spirits averring they only encourag'd cowards among us, and yet I believe it possible even here, for vessells to come close in, and beat the gunners with the fire of small arms out of these open batterys, or it may be with their cannon loaded with cartouch shott. To the eastward of Basseterre Town, at the distance of little more than musquet shott, is a fort that was christned Fort Londonderry, when his Lordship of that title came hither Governour. The ditch round it, and the earth thrown out of it, to make its rampart, are both to be compleated with great ease, 'tis seated low, the ground loose and on the sides that lye on the sea shore, 'tis a meer sand, I never propose finishing this fort but with sodd, the foundation nor the inhabitants at this time not clear of debt from their late purchases, cannot allow of a faceing of mason's work, or at least but of two or three foot above the ditch. I intend besides to sink the ditch under water, a *fond de cuve*, and to carry round the bottom of the rampart or escarp, a single if not a double range of palisades. Fortifying this fort has been long litigated in the Courts

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of Legislature of this Island. The members of that part of the Island, where Charles Fort and Brimstone Hill is near compleated for their safety, were mighty well satisfy'd with the provision made for them, and allways outvoted doing anything for their brethren of t'other end of the Island, that had heartily and expensively work'd for them. At last this narrow way of thinking was and is now pretty well gain'd upon, and I hope to see Basseterre very soon as well taken care of as Sandy Point. For trade and every other reason it more deserves it. Whilst this matter was under tryall, I was desired to give my opinion on this fortification, which I did, and I gave as well as I cou'd answers to the objections made against fortifying it, which are part of the Minutes of both Council and Assembly of those days. And since, both those houses have resolv'd to support the expence of fortifying it. It was but an irregular work, and yet the ground wou'd have permitted its being laid out with more regard to rules for fortifying. It had two bastions and three curtins with the faces and flanks of two other bastions to landward. The lines of defence were mostly fichantes, but these were but short. To seaward was a long curtain or line, on which was at its center a sort of platform, or bastion camus, and before it something like a ravelin was thrown up in the land and on the beach, but low enough to be under the fire of this bastion camus. The irregular faces of these bastions were from twenty four to thirty toise in length, the flanks from nine to eleven, and the curtins from forty to forty five toise. The whole side of the exterior polygon next the sea was one hundred and twenty six toise long. Since H.M. (upon a favourable report from your Lordships) bestow'd stores of warr and ordnance upon this Island (about three years ago) and the intention of putting this fort in a posture of defence obtain'd (as with much to do it did about that time) there have been carry'd thither (to be put in service hereafter) four eighteen pounders, two twelve pounders, and two six pounders. The eighteen and twelve pounders are all good gunns, except that one of the twelve pounders must have its touch hole open'd by a drill, they are all mounted on the English carriages that came out with them. The two six pounders are good gunns, but are got no farther as yet into the fort, than into the ditch, and there I found them when I came out. When I go to that Island next, and can in earnest sett about fortifying this fort, these and more cannon shall be plac'd, as they shou'd be in it. Then too will be remov'd hither the nine cannon now on the battery as above mention'd at Basseterre Town. If H.M. wou'd please to bestow on that Island, five twelve



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pounders, one nine pounder, and eight six pounders, five cannon and the shott belonging to them (all these remaining at St. Christophers besides the twenty sent to the Island of Montserrat, and which were of his Grace the Duke of Montagu, left of his deroute at Sta. Lucia) this fort will then be sufficiently supply'd. St. Christophers must do the rest. It will and can. To the westward of this road half cannon shott from the shipping at Parson's or Bluff Point, is an old earth-ruin of a small French fort, and battery, just below it, from whence this Bluff Point was by them call'd La Pointe du vieux Fort. There are two eighteen pounders, and six twelve pounders well mounted, and a twelve pounder dismounted, strangely plac'd, ready at hand for an enemy (with haling them about a mile) to beat down Fort Londonderry with them. These too must be carry'd and mounted in that fort, when 'tis ready to receive them, and gunns of a much less calibre mounted there in their stead. Here are besides one six pounder and two four pounders dismounted. From this point to Palmeto Point there are severall good landing places as at Gillon's Gutt and others. But these might be easily disputed with an enemy. And, my Lords, give me leave to observe, as to the better possibility of meeting an enemy with the few regular troops and militia in the Island at his landing in St. Christophers than at Antigua. That many years ago I overcame the aversions people here generally were in to an intent I had of forming a militia troop of dragoons. Just to see many of the Foot at their meetings come to the Parade on horse back, it immediately occur'd to me why they might not do duty on horse back, that is foot militia but mounted on their own horses. On an invasion I was allways determin'd to press as many horses as I cou'd to mount the soldiers, and as many as I cou'd of the best of the militia. Else there was no sending an enemy from bay to bay. Why then shou'd not these men rather ride their own horses, and take care of them themselves than have them press'd for soldiers, that it may be wou'd not be as carefull of them? I therefore resolv'd to form a troop of dragoons with these men, and these their horses. These men too by their low degree were not to be admitted into the troop of horse, what bad things were then said of me I have forgot, but at last, I carry'd my point, and besides the troop of horse, part of the militia of St. Christophers, your Lordships will find when I come to speak of the details of the militia of this Island, that there is in St. Christophers a troop of dragoons. I have long push'd for one on the same reasons in Antigua, but in vain. At Palmeto Point is a good battery, and on it four nine pounders, two six

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pounders and a four pounder, all good gunns, but the carriages very much out of repair, and the rest dismounted, and just by it are four small old gunns without trunnions; the gunner here has about two hundred weight of powder in his care. Here was thirty years ago a good town and a good trade. But since the English have drove the French off the Island, it has been no longer a frontier town towards them, and is therefore now quite decay'd and gone. The shore from hence westward to Queen Anne's Fort, and so to Old Road Town, has many landings, but the country rises steep above the shore, and in many places 'tis a high clift, a landing here will not be attempted. The English ventur'd it at the point to eastward of Queen Anne's Fort, whilst the French were possess'd of the whole Island, but with such unfortunate success, a disapointment and loss, that the point has ever since been call'd Bloody Point. At Queen Anne's Fort there are three twenty pounders, two of them mounted, the third dismounted, and three good six pounders, but these are dismounted. There is also a four pounder dismounted, and without trunnions, and two dismounted three pounders. This battery is laid out with two faces and two flanks. One fire is intended to cover the shipping lying at Old Road from being cutt out by the enemy. The other is like this, and the gunns mounted here are to clear the little bay adjoining it to the eastward. The whole is well laid out, and well intended, fac'd too with a low rampart wall of good mason's work, but without merlons to cover the gunners. At Old Road there are to eastward of the town, two batterys, one at the water's edge in the form of a salient angle, and another a little above it on an eminence, that begins a very steep slope to the top of almost inaccessible mountains. The lower battery has no merlons, the upper battery has. In the lower battery are seven good six pounders, well mounted, very little out of repair. On the upper battery are four good six pounders well mounted, another six pounder well mounted, but the gunn a bad one, a good three pounder dismounted, and just below the battery on the clift, is a very old iron twelve pounder, and within the enclosure of this battery is a very good little magazine arch'd, bomb proof and about six hundred weight of powder in it. Immediately to westward of Old Road Town are many landing places and levels for some distance behind them, or easy ascents to the Plantation houses, but no cannon but at Godwin Gutt, and there only two old dismounted four pounders. Thence to Halfway Tree Bay, is good landing well known to and try'd by an enemy in the last and King William's warr. There is much danger at Halfway Tree Bay least an enemy



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land there in the night, either to surprise Brimstone Hill, or cutt off its communication from the inhabitants retiring into it. If erecting a battery there wou'd do, it shou'd be done, but all the shore for miles is such, all can be done is keeping good patroles there in the night, to prevent being surpris'd with such an attempt. Brimstone Hill rising here with almost a continu'd precipice or clift, at a very small distance from the beech, covers the shore (tho' very accessible) its whole length to Charles Fort. Charles Fort was intended for a pentagone, the capital point of one of its bastions (which never has been yet laid out, but I am now finishing it) is to seaward close to the shore, (but on an eminence) as are the two curtins and opposite flanks, and faces, of the two bastions to eastward and westward of it. It has a large dry ditch and of a good depth. The bastions are very small, the whole exterior polygon of this fort does not enclose much above three acres. Next the sea are many fine cannon that protect the shore almost from Halfway Tree or Phipps's Bay to Fort Hamilton at Sandy Point Town, and between this fort and Sandy Point Town the shipping lie. Brimstone Hill being now fortify'd this fort (that formerly in 1689 held out a bombardment and a six weeks' seige, and lies close under the hill) has lost a great deal of its merit. At the Land Port, which is in the center of the curtain opposite to the sea bastion, the ground rises very high from the fort, which is here almost wholly under the horrizon. I intend to cover this gate with a ravelin that shall take in this high ground, and whose sallient angle advancing pretty near to the foot of Brimstone Hill, will greatly facilitate maintaining a communication between the hill and this fort. Consequently with the sea. In this fort is a well, but the water is brackish, and unwholesome for mankind, tho' good for horses and cattle. Just without it is a well of good water, and that inclos'd with a little mound, and the path is through the ditch to it. In the fort too is a small cistern, a house of two rooms, one of which serves for a little arsenal, in which are thirty one small arms, in but indifferent order, a good stone kitchen, two large ovens, a small guard room, a small prison for the soldiers, two rooms for the gunner, and a pretty large magazine arch'd, to be bomb proof as all the magazines in this Island are. The cannon in this fort are one twenty four pounder, three eighteen pounders, two twelve pounders, three nine pounders, one six pounder, and four four pounders, all well mounted and good gunns, and four eighteen pounders, twelve twelve pounders, five nine pounders, one six pounder and five four pounders, good gunns but the carriages out of repair, and some of them

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dismounted, and besides one twelve pounder, one six pounder and three four pounders, but these guns are ordinary fitt only for salutes. In this fort are seven thousand cannon shott of all sizes, except that there is but about one hundred six pounder shott and none less. There is also thirty six double headed shott for the eighteen twelve and nine pounders. Here too are a sufficiency of gunner's stores, as rammers, ladles, worms &c., a ginn compleat, and in the magazine, three thousand two hundred weight of powder. From this fort to Sandy Point Town westward, the distance is a mile, on the sea shore at this town is Fort Hamilton, a little battery to cover the shipping in the Road, on which are three good six pounders well mounted, and two more such gunns almost dismantled. In this little fort is an old arch'd magazine, and in it about six hundred weight of powder. And the gunner at this battery (as well as the gunners at the severall other batterys) is tollerably well supply'd with gunner's stores. At the distance of a mile, little beyond this town, is the old French frontier line, where they had a little fort close to that line, and on the sea shore the ramparts, and ditch of this fort are still easy to be repair'd, but ought rather to be levell'd, except what shou'd remain of a battery to seaward, and where are now to cover the shipping in Sandy Point Road, the following cannon, vizt. two twelve pounders, three nine pounders, good gunns and well mounted, a fourth good twelve pounder dismantled, an old six pounder, and two three pounders old guns dismantled, and not worth mounting. But these twelve pounders and nine pounders must be remov'd, they lie too fair to be us'd against Charles Fort. From hence quite round the west end of the Island, call'd French Cabecaterre Quarter to Deep Bay, where I begin this description, the whole shore is good landing and neither fort nor battery to prevent it, for the space of near ten miles. But shipping never anchor off any part of this shore and therefore want no protection here. It remains now, my Lords, that I give your Lordships an account of H.M. fortress on Brimstone Hill. The summit of this hill, as laid out within the fortification is about forty three acres. It is fortify'd by two lines of works, well built of stone that enclose the whole, where accessible. The two intervalls between these works are inaccessible. These two works are, one on all the north side of the hill, the other encloses all the south side, great part of the east and about half the west side. The works on the north side are pretty well finish'd, with their merlons and parapets, so are the east and west sides of the other work, but the parapet on the south side is still to be built. The very irregular shape



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of the hill is mend'd where it cou'd be done, and on the north side the horrizon is entirely preserv'd and there is a small horn work, and a redan's in form of a tenaille, and these join'd by four irregular lines, but with lines and angles of defence within rule. On the south side are two whole and two half bastions join'd by three curtains, and these as regular as cou'd be, but the west side is below the horrizon of all the rest, but no part of the hill is left without the other works, that can command it. On and for this hill are the following cannon vizt. : two eighteen pounders on good carriages, but the gunns are old and hardly fitt for service, five good twelve pounders, one of them a brass cannon, these are mounted. Two nine pounders, but one of them well mounted, three brass six pounders well mounted, five good iron six pounders mounted, three do. the carriages decay'd, one do. dismounted, and one do. an old bad gunn. Four good four pounders well mounted and seven good four pounders mounted on carriages that want repair, eight good three pounders, but the touch holes of three of them must be new drill'd, being stop'd, and a long drake, a one pounder, well mounted. And very lately are brought to the foot of the hill to be carry'd up and soon mounted on it, eight good twelve and eight good nine pounders for which there are good carriages. There is a very good new magazine on the hill, finish'd very lately and in it sixteen thousand weight of powder, and both houses of Legislature have agreed immediately to build another, and an arsenal. There is a small guard room and a large oven built. Two large water cisterns with good platforms, and there now is building a barrack for a garrison, that is to be arch'd, and to be one hundred and fifty foot long. Two more such are intended to be built here, and these are as well to shelter women and children in case of a bombardment, and such a barrack I should have mention'd will be built at Charles Fort. The following stores of warr are besides under the gunner's care on the hill, vizt. thirty two keggs musquet ball, six thousand flints, six hundred firelocks with bayonetts, and cartouch boxes, two hundred more without bayonetts or cartouch boxes. 28 piggs of lead, a ginn compleat, and many small gunner's stores. The greatest distress will be want of water. It is intended in a low part of the hill to sink a well, with hopes at about seventy five fathom to find good water, fitt at least for negroes, cattle and horses. The whole number of inhabitants in St. Christophers are, Men 1115 ; Women, 1118 ; Children, 1648 ; Slaves 17,335. In this year 1734. In the beginning of 1717 there were but 799 men in the Island, and by the lists taken in 1729, the numbers were as follows, vizt. Men,

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1117; Women, 994; Children, 1586; and Slaves, 14,663. Out of these men of those that are not disabled or superannuated, the militia is formed into a *troop of Militia horse of two hundred forty five (officers included)*, a *militia troop of dragoons of eighty nine (officers included)*, a *militia regiment of foot of three hundred forty and three men*. Here are station'd three companys of Brigar. Jones's regiment that with their officers may be about ninety effectives, and these numbers in case of an invasion will be very probably to be increas'd with saylors and arm'd negroes, in proportion to the computations I have mention'd to your Lordships for Antigua. I can give your Lordships but imperfect and very generall accots. of the other three Islands of this Government, that are somehow settled, vizt. Anguilla, Spanish Town and Tortola. These are not sugar islands, at least not for exportation, what they chiefly produce is cotton and provisions. H.M. has neither cannon nor stores of warr in these Islands. Anguilla has not about a hundred effective men on it, above sixty have within a very few years left this Island, and gone to settle on St. Martins, where they are become Dutch, and on Sta. Cruz, to cutt timber, where they are turning Danes. Spanish Town has about eighty, and Tortola about the same number of men on it. But these two Islands have suffer'd as has Anguilla, and all the other Islands, as well as Barbados, from this spirit of becoming renegade Dutch or Danes. I am now, my Lords, to close this long narrative with obeying what remains of your orders. Which is to lay before your Lordships, my opinion what may be farther necessary for the encouragement of the trade and for the security of H.M. Leeward Carribbee Islands. And as your Lordships call upon me for that upon my opinion alone, which cannot be a recital of facts, as this state hitherto has been, give me leave to give this characteristick of my obedience herein to your Lordships' commands, that what I shall say shall be strictly meant to the best of my judgement, for H.M. service, the welfare of his subjects here, and for their real safety. I have very lately transmitted home to the Agent for this Island, a petition for obtaining leave that we may carry directly to foreign ports our clay'd sugars, and other produce, as the French of the sugar Islands, by the French King's edicts are permitted from time to time to do. By the accots. of exports of clay'd sugars herein specify'd, this seems to intend benefits for the present to Barbados, and for this Government not till hereafter, when this being obtain'd it shall encourage the planter going to the expence of claying sugars here. I have seen the French King's regulations on this side, I wish these obtain'd for the English on



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those terms may be as beneficial, as 'tis here imagin'd. I have but these objections to it. One is that it seems to me a too inconsiderable advantage to be very solicitous for. The other is that I cannot conceive how the planter can correspond hence directly to Spain &c. Or how will he know when the market will be better there than in London? or by what time will claying sugars be so improv'd and so common in these Islands, that we may send whole vessell loads of it to these foreign ports. It was proposed to me and I recommended it to the Legislature here, and so throughout the Government, and I cannot say but better reasons may be given for obtaining this petition than I am master of. But what I think concerns us more, is bringing to effect the act given the last Sessions but one, of the last Parliament, for relief of these colony's. The intentions of that Act, I am now convinc'd, want a last support, and without such 'tis daily eluded. I own I thought, and said, otherways at home. I find my Lords, that permitting the importation of French molasses, with even duty's almost equal to a prohibition, as by that Law, will not and does not avail us. A vessell at sea or even coming into a Roads full of such melass, is under no penalty. If they land the melass they will pay the duty. If they don't land it, what then? There they lie, where is the crime? Then where the penaltys? so they driblet it out at dark nights on board vessells bound for the Northern Colony's, or even on shore, and are so well befriended by some of the inhabitants of low degree, as to run but little risque of a seizure. This I now am thoroughly convinc'd of the truth of. But they have a better escape yet, and I am greatly misinform'd in to the northward of their daily practice. Thus much I know, that at St. Eustacia, I suppose for New England, New York, &c. vessells load by dozens daily with French melasses, as ever, for what use? for what other port? what quantity's they carry from Surinam I know not. Rhode Island chuse their Governour themselves I believe annually. Something of the sort I believe is done in Connecticut. These are priviledges they hold by charters, and they fail not to improve lustily upon. The Act of Parliament sett's a very high duty on melasses, to discourage the importation, or on failure gives a third to the Governour, t'other third to the informer, and H.M. third to bear ye expence of prosecution. When a vessell arrives with melasses, the owners immediately inform, for this they take as informers one third, the Governour by law must have another, but he is their creature so thus get the whole, in some small, if any, composition with him, a promiss it may be to chuse him again next year. Thus the melasses comes all

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ashore at noon day actually without duty or penalty. Some petty charges only excepted. A total prohibition I humbly believe is the only remedy, and the only service can be done us in this case. Remitting all duty's or giving us greater premiums on exportation wou'd be doing more. But I dare not ask it, of those that best know what, and when to give. The farther security of these Islands I think can be intended only under these heads. First, adding more art to our natural strengths of scituations. Secondly, providing more men, Thirdly, these better disciplined and arm'd, and Fourthly, having a larger quota of all weapons offensive and defensive. The first article we must provide ourselves here, by working hard to finish the fortifications we have begun, repairing those we had formerly finish'd, and adding new ones where wanted. For adding to our numbers there are laws provided, but these laws had penalty's on the breach of them. These laws too have never been obey'd, nor the penalty put in suit. Hence long arrears have accumulated, from mole hills they have become monstrous mountains, from easy memorials to every one of their duty, they are grown to the size of burdens, now too heavy to be born. And putting these laws in force for the time to come, and overlooking the time past, is a dispensing power not wisely to be executed, or a proper precedent. Besides these laws hitherto procure such unwilling, worthless, idle vagabonds, as from whom but little service can be hop'd for, on military emergencys. Most of these serve for term of years, without wages, poorly cladd, hard fedd, a worse state here than of a common soldier, if possible. Are these the men that are to die in our defence? My Lords, we must have a recruit of a better sort, or better none at all; and this too we ourselves by suitable laws must provide. But these laws are not yet made, nor can I take upon me to say how soon they will. It depends pretty much on the danger coming nearer and then so tedious a remedy may want time to operate. I know no immediate remedy, but H.M. bestowing upon us more regular troops ashore, well disciplin'd, not raw men, for these at their first coming are but little better than the servants I describ'd in the last article. Next, or before this, is a number of station ships of warr. These kept in good motion will safely forward homewards our own produce, and intercept the homeward bound ships that go home from the enemy. But they can do more. Let them lie in wait, and cutt off the provisions and necessarys that these French Islands Martinica and Guardeloup are provided with from Europe. This will distress them to a great degree, and the French plantations must fail, their over grown numbers must



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starve ashore, or go to planting provisions only, or dispos'd as they can else where. And then too one shall have but little reason to apprehend invasions from them. The want of these provisions among them in their plantations will heartily spoil and disable them from fitting out even a privateer sloop or two, to molest our navigation. This must distress them almost to a famine. They can have no trade, and the English Colonys, few as our numbers are, still dayly will improve, and that with security. Better discipling our Militia here is again a duty of our own. I have been soliciting the use of bayonetts almost twenty years, in vain. The weapon was frightfull, not to be born with. Antigua this year has by a law provided them, I sent this law to the other three Islands. My hopes of success in Montserrat and Nevis are hardly alive, but in St. Christopher 'tis quite over with me. The bill at its third reading was thrown out of the Council there, by the votes of the President, and the military gentlemen at that Board. I did not expect it from these gentlemen especially. There are laws for arming our militia better, but I find, without helps from H.M., and without a large quota of weapons defensive and offensive, from his bounty, we shall be in great danger. At Antigua abundance of arms are bringing dayly. The gentlemen there send for them, I hear of nothing of the sort in the other three Islands. I apply'd to his Grace the Duke of Newcastle and your Lordships in the beginning of this year, to obtain such supplys for us. I pray leave to explain on the severall articles I then ask'd, and then I have done. As we must in Antigua and St. Christophers, not only defend our posts of Monks Hill, Brimstone Hill, and Charles Fort, but also keep the field, with what shall remain from those garrisons, or the enemy else will march the Island over, and at will destroy all our canes, and buildings, carry off our copper stills, destroy our cattle, that they can neither eat nor carry off. We must therefore even with our small numbers, be continually near 'em, watching every faux pas of their's to be among them, taking all advantages of the country, and its scituation, and as this cannot be done, but that we must expect at times, the enemy confiding in their numbers, will attack us. Therefore I have made severall depositions even for coming to an engagement with them, and to help our numbers, I have ask'd for field pieces to be dispos'd of, as shall be most expedient, rather for defence than offence. I mean that with them I wou'd fill up our intervals in the first line, as well as on the right, and left, and these to be loaded with musquet ball only. From these once well pointed, I shou'd expect good execution, at least as good as from the fire of our militia,

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And as the French are impetuous enough in their first attacks, least they break in upon our raw militia, before they are used to fire, and to their noise, I have ask'd a few Chevaux de frise to cover our front, we can make more by them. And that we may, as need may be, entrench ourselves, or if beseig'd repair our breaches. I have ask'd for a small quota of spades, shovells, pick-axes, iron crows (rocky soils we have everywhere) and wheel barrows, and if we find ourselves well entrench'd near an enemy, and he avoid attacking us, we may with these field pieces, by cannonading him with great shott, force him either to engage us at this disadvantage, or retire farther from us with loss. The powder I have ask'd for, I appeal to your Lordships, from the stores we have in each Island, how much 'tis wanting, and humbly submitt to your Lordships whether Antigua with its fortress of Monks Hill, or St. Christophers with Charles Fort, Brimstone Hill and Fort Londonderry (when finish'd) can be defended against an enemy once landed (if especially they keep but fourteen days ashore, much less if obstinately they will beseige any of these fortresses) with so little powder as we now have. Besides we must protect those that trade with us, and the open Roads at St. Johns in Antigua, at Montserrat, Nevis, and three in St. Christophers these are to be protected with heavy cannon, and the service of them compounds a great quantity of powder. Add to all this the requisites for our field pieces, and the quantity's that must be expended by our small arms. I pray leave to say that their ought never in case of a warr to be fewer than four hundred barrells of powder in Antigua, at least that quantity in St. Christophers, sixty barrells in Montserrat, and eighty in Nevis. What I have asked will not compleat what at present is in these Islands, to this quota by eighty barrells, and out of this, a small quantity must be sent to Anquilla, Spanish Town, and Tortola. Sometimes too we have been forc'd to supply H.M. ships of warr, till they cou'd get supply's from home. I wou'd only alter that demand from pistol powder, and rather ask the whole to be cannon powder, as we have sufficient of the other sort. I have been very moderate in the quantity of musquet ball I have ask'd for, because much old lead may be pick'd up in the Plantations to supply the rest. A large quantity will be to be expended by the field pieces. The flints we shall be really distress'd for, I have not ask'd for above four for each firelock, even including what little store we have. I mean for saylors and slaves, besides the soldiers and militia. When we come to service, each man having a firelock will not be sufficient, tho' even that (notwithstanding laws made for that purpose) is not so. In Montserrat and Nevis



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they want arms for half their militia. At Antigua the militia are in want of arms, more so in St. Christophers. But in case of a warr and an enemy near, great part of this will be supply'd from spare arms most gentlemen have in their houses in these two Islands, in Antigua especially. But for saylors and many of the slaves, they must be supply'd out of the little numbers we have in our arsenals, and all will hardly give a firelock to everyone. But for the accidents of service, pieces broke, burst, locks spoilt, for all this, can five hundred small arms be an over provision for new supply's throughout all the Islands? The Militia Law of Antigua has provided swords, yet few or none have any. But in Montserrat, Nevis and St. Christophers, sometimes there are militia laws, sometimes none. We are but a few in comparisson of those that are to attack us. Let's mend our numbers by arming thoroughly those we have, we must not depend on our fire only. There the enemy have us greatly at advantage from their greater numbers. The bayonett fix'd is a favourite weapon. But this chiefly where there is horse. No horse can or will be brought hither. Our service too must be mostly by surprise, in the night, all manner of partizan service. Here I prefer the short old Roman sword, even to the bayonett fix'd to the firelock, and shou'd certainly think best on these services that the men shou'd sling their firelocks and draw their swords. For the same reason our horse will be of poor service to us with their carbines, whilst they do service as horse, and therefore I beg four hundred light horsemen's swords, which with the few that at present we have, may be sufficient. The cartouch boxes are sadly wanted, to be sure we ought to provide these ourselves, but for the saylors we must have a little store by us, and these are trivial as to the expence. Twou'd be pitty the Islands shou'd be in danger, or the service of but ten men shou'd be lost, for want of as many cartouch boxes. But we have very many in these Islands that in spight even of all Militia Laws (where there are any) will not provide, much less where there are none, and I humbly conceive H.M. must not lose His Islands from the want of duty, or through the perverseness of any of His subjects in them. This regiment here must all be granadier service, and I have therefore ask'd for a small quota of grenades. We may have a breach to dispute with an enemy, and then they will be sufficiently wanted. Sometimes too we have been forc'd to drive away an impudent privateer, insulting us in our very Roads, and on these emergency's of immediately fitting out a vessell or two to send after them, these grenades are of great service, at boarding especially. We are distress'd to the last

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degree for want of six pounder shott. In St. Christophers there are hardly a hundred in the whole Island. We want them too at Nevis, and Montserrat, I therefore ask'd them. They are dayly in use to bring a vessell too with, and these small gunns do that service better than larger, as it husband's our powder. The cochorus divided in the severall Islands will be but a few in each. I don't promise any other service from them, but insulting the enemy with a few shells every night to tease them, keep them awake, and fatigue them, it may be blow up their powder. The iron trucks we want for our dismounted cannon, the rest of the carriage we can provide, and sending carriages from home does us but little service, H.M. is at great expence, and they rot here or warp and split with the heat of the sun presently. Our timber here is more lasting and much fitter. The last article I am to account for is asking for tents for our Militia. If we keep the field we must encamp, and we must too be cover'd from the weather, suffering the militia to break into small numbers to seek shelter in the severall plantations, is an infallible way for hardly ever getting them together again, especially in time of need, when many will find excuses good or bad to be out of the way. This must be fatal. There is no keeping the field without encamping, we must else crowd into our garrisons and leave our estates to the enemy. This is so long, I will not add to it with any tedious apology, other than that I have endeavour'd, with the best judgment I have, to say all and no more than what might give your Lordships a full and true state of these Islands in obedience to your commands. I pray your Lordships' indulgence to a man that exerts his utmost (bad as 'tis) to do his duty in the station H.M. has been pleas'd to honour him with. *Signed*, William Mathew. *Endorsed*, Recd. 28th Nov., 1734, Read 1st. Jan., 1734½. 30½ *closely written pp.*

314. iii-v. Maps of Antigua, Montserrat, St. Christophers. (Transferred to M.P.G. 190-192.) [C.O. 152, 20. ff. 142-143 v., 145 v., 146, 149-154, 155-157, 158-163, 164-166, 167 v.]

Sept. 15.  
Barbados.

**315.** Governor Lord Howe to the Council of Trade and Plantations. Encloses duplicates of letter *etc.* of 31st Aug. *Signed*, Howe. *Endorsed*, Recd. 14th Nov., 1734, Read 16th July, 1735. *Holograph*. 1 p. [C.O. 28, 24. ff. 109, 112 v.]

Sept. 16.  
Jamaica,  
Spanish Town.

**316.** President Ayscough to the Council of Trade and Plantations. My Lords, the duplicates of my letters to your Lordships, of the 21st of August last, are sent by the first opportunity. In the Act for the additional allowance to the forces expected here, your Lordships will observe that the Assembly have provided for



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them only to the 28th day of next March, for that the Act for the Subsisting of the two Independant Companys here does expire at that time, and then the future provision for them will commence altogether from that day. The duty on wines is laid for a less time than one year, for the subsistence of the soldiers to the 28th of March next, for the reason before given ; but I thought it proper to lay before the Council, H.M. Instruction on that head, for their advice, before I gave my consent, the reasons of whose opinion I have inclosed to your Lordships. I must acquaint your Lordships that by a hurricane, that was very violent for a few hours, above the half of the Island from the eastward, suffered considerably, which with the heavy rains that before fell, has hindered the marching of our partys against the rebels, but they are ready to proceed on their intended expedition, as soon as the weather will permitt. I have here inclosed to your Lordships an account of the damage the ships sustained and what sloops and vessels were drove ashore. It has been thought by the Legislature, very necessary to remove the main body of the party from Port Antonio to Port Morant situated on the south side, not only on the account that the men have been unfitt for service, through their excessive drinking in the unlicenced punch houses (although there are severe laws made against such that keep them) but also from the great danger and inconvenience of a deep, and rapid river, that lies between the Breast work, and the rebels' Town ; which in any quantity of rain falling is not fordable, and such a number of men is only kept there as may serve to defend the breast work, and the out settlements, there being a nearer way found out from the South side, to come at the rebels, where there are no rivers to hinder their march. In the last session there is an Act passed on my recommendation of it to Legislature, for laying an inland duty of sevenpence halfpenny p. gallon on rum consumed by retail in this Island, which tax, if well collected will raise five or six thousand pounds per. ann. and will not be found burthensome to the country : This project if well seconded in another session may be of great service to the country, for an additional duty of this sort will ease the people of the greatest part of the heavy taxes they now labour under. For the conveniency of H.M. Navy the Assembly have passed an Act for vesting certain lands in Port Royal in H.M. for their use. I herewith send to your Lordships all the Acts that were passed this last session as also the Minutes of the Assembly which is prorogued to Tuesday the first day of October next. I am likewise to acknowledge the receipt of your Lordships' letter, and the proposal sent to General Hunter in relation to the assistance we might have from the Musquita Indians against the rebellious negroes which was taken into consideration by the Council ; but they are known to be a people too weak and tender in their constitution and in no wise warlike or enured to hardship and very unfitt for any military services especially in the woods. I shall send the Journals and Minutes of the Council by the first opportunity etc. *Signed, J. Ayscough. Endorsed, Reed. 4th Dec., 1734, Read July 11th, 1735. 2 pp. Enclosed,*

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316. i. Minute of Council of Jamaica, 31st Aug., 1734. The Governor desired the opinion of the Council whether the bill for raising several sums of money *etc.* was not inconsistent with H.M. 16th Instruction to Governor Hunter *etc.* The Council advised that the necessities of the government were such, as would in some measure justify their deviating from H.M. Instruction, more especially as the bill is to provide for the reception and subsistence of H.M. troops, in accordance with H.M. requirement *etc.* *Endorsed*, Reed: 4th Dec., 1734. *Copy.*  $\frac{3}{4}$  p.

316. ii. List of vessels that received damage and run on shoar the 31st Aug., 1734. 6 ships, including H.M.S. *Scarborough*; 3 snows, 1 brigantine, 15 sloops, 2 schooners. Most are already got off, and it is expected that not above 4 or 5 will be lost. *Endorsed as preceding.* 1 p. [C.O. 137, 21. ff. 169, 170-171, 172 v.-173 v.]

Sept. 16. **317.** President Ayscough to the Duke of Newcastle. Repeats  
Jamaica, gist of preceding covering letter. *Signed*, J. Ayscough. *Endorsed*,  
Spanish Town. R. 7th Dec., 1734. 2 pp. *Enclosed*,

317. i, ii. Duplicates of encl. i, ii preceding. [C.O. 137, 55. ff. 108, 109-110, 112.]

Sept. 17. **318.** Governor Burrington to the Council of Trade and  
N. Carolina. Plantations. My Lords, being directed by the ninth instruction to give your Lordships notice, if I suspend any member of the Council in this Province, without acquainting the other councillors therewith, and allso to render your Lordships my reasons for so doing: I trouble your Board with this letter to inform your Lordships that yesterday I suspended Nathaniel Rice Esqr. Secretary of this Province from his seat in Council; the reasons for so doing were, the preservation of my life, and the peace of this country. Lately there was a villainous contrivance to murder me, I have reason to think, and believe, Mr. Rice was deeply concern'd in that wickedness. I design to send your Lordships a clear account of this matter in the next sett of Council Journals. My Lords, many times the Councillours have been summoned, several Courts have passed, when the Council ought to sit and meet in course yet I have not been able to make up a sufficient number of members to hold a Council, nor Court of Chancery since July Court last was twelve months. Therefore Mr. Halton and Mr. Ashe are summoned to appear, att the Council Chamber on the 25th of this month, to shew cause why they have absented themselves. It is allmost two years that Halton has neglected comeing to Courts or Council; Mr. Ashe and Mr. Rice more than a year. I purpose soon to fill up the Council to the number limited by the Instructions, that the business of the country may be carried on in the usual course which I hope will prove to the good likeing of the Lords of Trade and Plantations. *Signed*, Geo. Burrington. *Endorsed*, Recd. 16th Decr., 1734, Read 3rd Sept., 1735.  $1\frac{3}{4}$  pp. [C.O. 5, 294. ff. 185, 185 v., 190 v.]



1734.  
Sept. 17. N. Carolina. **319.** *Same* to the Duke of Newcastle. Last year Mr. Fury gave me intelligence that H.M. had appointed a new Governour for this province ; impatiently I expected his coming (being very desirous to be rid of my charge) and notwithstanding the horrible villainys, Rice, Smith, and Montgomery had carried on against me, in this country, and in England, I refrained from giving them disturbance *etc.* For the preservation of his own life, however, *has* suspended Rice *etc.* (*v. preceding*). Hopes speedily to receive the King's leave for coming home *etc.* Thinks the Board of Trade should await his return before making alterations in the Instructions *etc.* *Signed*, Geo. Burrington. *Endorsed*, R. 13th Dec. 2 pp. [*C.O.* 5, 309. No. 3.]
- Sept. 20. **320.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 4 Acts of Jamaica passed in 1731. *Signed*, Fran. Fane. *Endorsed*, Reed. 1½ pp. [*C.O.* 137, 21. ff. 88, 88 v., 93 v.]
- Sept. 25. Treasury Chambers. **321.** Mr. Scrope to Mr. Popple. The Lords Commissrs. of H.M. Treasury have had some papers lately communicated to them, by which they are given to understand that the King's woods particularly in the Province of Main in New England are cut down and destroyed by the country people there at pleasure ; and it appearing to their Lordships *etc.* that the differences and disputes which are subsisting between the Govr. and the King's Surveyor in those parts, as also between the said Surveyor and his deputies or some of them give opportunity to the country to make the destruction complained of, or at least, delays the taking such measures for the King's Service, as may put a stop to such destructions, and hinder and restrain the riotous and disorderly proceedings of the country people therein, *etc.*, *encloses following* to be laid before the Lords Commissioners for Trade and Plantations for their consideration. *Signed*, J. Scrope. *Endorsed*, Reed. 25th Sept., 1734. 1 p. *Enclosed*,  
321. i. List of papers enclosed.  
321. ii. Copy of a letter from Arthur Slade, Boston, June 29, 1734, to the Commissioners of the Navy, relating to the Surveyor of Woods in New England.
- Sept. 26. Whitehall. **322.** Council of Trade and Plantations to Governor Lord Howe. You will perceive by the copy of our letter to General Mathew, H.M. Governor of the Leeward Islands sent you inclos'd that the Danes are settling Sta. Cruz under a French purchase. It has been thought for some time that this Island belong'd to the Crown of Great Britain, and your Lordship will do an acceptable service to the publick, if you can collect any proofs to support the King's title to it, and transmit them under the seal of your Island to us. [*C.O.* 29, 16. p. 36.]
- Sept. 26. Whitehall. **323.** Council of Trade and Plantations to Governor Mathew. *Have transmitted* extract of his letter of 19th March to Lord Harrington *etc.* (*v.* 12th Sept.). *Continue* :—As to the island of

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St. John, there can be no manner of doubt, but that it certainly belongs to H.M. But we have not quite so clear proofs of the British title to that of St. Cruz ; yet as this last is certainly a very valuable island, and the settlement thereof by any other nation might prove prejudicial to us, we must desire you to get what proofs you can from the ancient inhabitants under your Government to fortifie our pretentions to it ; you will take such depositions as you can collect for this purpose upon oath, and transmit them under the seal of ye Leeward Islands to our Board. But that you may be the better inform'd what sort of proof will be most material in this case ; we shall give you a state of the affair as it appears to us from such materials as we have hitherto met with *etc.* Give a short history of *Sta. Cruz* (cf. 27th June, 1733 and 12th Sept., 1734). *Continue* :—It would be very material to settle the following points, vizt. (i) In what year the French removed to St. Domingo in Hispaniola ? (ii) What claims they have at any time put in, and when, to preserve their right to this island since they removed their last Colony from thence. As to the first of these points, that is, the time of dereliction, some fix it in 1671, others in 1691. But the French authors say positively, it was not till 1696 ; and if this last assertion should be true, the Treaty of Breda in 1667, and that of neutrality with France in 1686, will be insuperable difficulties in the way of our title, unless we can support our right upon the foot of dereliction by the law of Nations, a very nice point, in which the greatest lawyers have often differed, and therefore it would be very material to shew, if we can, that the French left this island before the Treaty of Neutrality, and that even during the time they possessed it, we put in our claim, and made several efforts for the recovery of it. But if nothing of this sort can be proved, we shall then be reduced to the single point of dereliction, in which case it will be necessary to prove that we have had an uninterrupted possession of *Sta. Cruz* ever since the French removed from thence, that we have had regular settlements, and Govrs. established there by proper authority. And this brings us to the second enquiry *etc. (above)*. For if the French have frequently claim'd this island, if they have taken our vessels tradeing there, or in general exercised any other acts of property to preserve their right ; we are apprehensive, such proceedings will make it very difficult to assert our title to this island, how desirable soever it may be, to prevent its being settled by any other nation. By this state of the case you will see where the difficulties lye on our part ; and you will do a very acceptable peice of service to the publick if you can remove them. It is certainly both our duty and yours, to assert the right of the British Crown in all her just pretentions, But it is also our duty not to engage the Crown too far in a dispute without a sufficient foundation. We therefore recommend to you to use your utmost endeavours, to enquire into the truth of these facts, and to send us the best answers and proofs concerning them, that we may be enabled to lay a very full report thereupon before H.M. That nothing may be wanting to compleat this inquiry, we have also wrote by this occasion to the Govr. of Barbados, upon the same subject for his assistance there. [*C.O.* 153, 15. pp. 266–275.]



1734.  
Sept. 26. **324.** Mr. Scrope to Mr. Popple. In reply to letter of Dec. 18, 1733, the Lords of the Treasury very readily consent to the expense of sending maps of the British Empire in America to each of the Governments there. *Signed*, J. Scrope. *Endorsed*, Recd. Sept. 26, Read Oct. 23, 1734. *Addressed*.  $\frac{3}{4}$  p. [C.O. 388, 80. ff. 113, 114 v.]
- Sept. 28. **325.** Minutes of Council, North Carolina, Sept. 26–28, 1734. Edenbro. Copy, certified by Robert Forster, Clerk of the Council and Governor Burrington. *Seal of Province attached*. 25 pp. [C.O. 5, 306. ff. 67, 68–79 v.]
- Sept. 29. **326.** Petty expenses of the Board of Trade, Midsummer to Michaelmas. v. Journal.  $5\frac{1}{4}$  pp. [C.O. 389, 37. ff. 107, 108, 109–110 v.]
- Sept. 30. **327.** Mr. Burchett to Mr. Popple. Encloses following. Admiralty Office. *Continues* :—"If some speedy stop is not put to those unjust proceedings, the Navy must undoubtedly be distressed for want of the usual supply of masts, etc. I am commanded etc. to desire etc. that the Lords for the Council for Trade etc. may please to send such directions to the Governor of New England, or otherwise, in the most pressing manner, by the ship which will sail from hence to those parts in few days, as they shall judge may most effectually put a stop to those unreasonable obstructions, prosecutions, and abuses" etc. *Signed*, J. Burchett. *Endorsed*, Recd. Sept. 30th, Read Oct. 1st, 1734.  $1\frac{1}{2}$  pp. *Enclosed*,  
**327. i.** Ralph Gulston, Contractor for New England masts, to the Commissioners of the Navy. Sept. 27, 1734. Having lately received an account from my Agents in New England of an attempt made there and even carried into execution, which if not prevented, will be of very evil consequence to the Royal service, inasmuch as it may in a great measure divest the Crown of its just right and property to great numbers of white pine trees in those parts fit for masting the Royal Navy, I think it my duty to lay the same before your Honrs. My workmen there having found a fine new vein of trees in the township of Berwick and County of York, which said township has been laid out since the date of their last Charter in 1690, and consequently both by their said Charter, as well as by the late Act of Parliamt. relating to the woods in those parts, all white pine trees of 24 inches diameter and upwards at twelve inches from the ground, whether in private propertys or not, are reserved to the Crown, and until this new instance, the King's right and property, even in the said very county of York, was never yet disputed, insomuch that a very great part of the masts I have ever yet had, for the supply of my contract has been from thence, but the owner or owners of the land upon which the aforesaid

1734. [327. i]

new vein of trees was discovered claim them now as their own property, and not only so, but moreover declared that if any person should cut down any of the said trees, they would either destroy them after fell'd, or cut down trees cross any roads that should be made for the hawling them down to the waterside : and accordingly some evil-disposed persons did last winter actually destroy and render unfit four of the said large trees, but the Surveyor General of the Woods interposing his authority and promiseing reward to any that should detect and convict the offenders, put a stop to any further attempts of that nature ; the owners of the said lands took another method, which if not put a stop to will entirely divest the Crown of its right and title to the woods, which was this, Several of them brought actions against my workmen, and sued them for damages, not only for cutting down the mast trees, but likewise for cutting down other trees to make roads for hawling the masts down to the waterside *etc.*, and in both cases they recovered damages *etc.* My Agents further write me, that they are threatned by many other people there, to be prosecuted for like trespasses (as they call them), so that unless something is immediately done from hence, with regard to said prosecutions *etc.*, my workmen may not only be harassed by vexatious prosecutions, but even be hindred from getting any masts *etc.*, for as their tryals are there by a jury of men who are livers there, and possessors of land in the very same county, they become judges in their own cause, and that even where the property of the Crown is concerned, and no redress can be expected there, for as by their laws no appeal to Great Britain is allowed, unless the value is upwards of £300 sterling, it is to be supposed they will always take care to lay their actions for sums under that value, that their determinations may be finally decisive, the consequence whereof must be, that no masts can be had for the Royal service from any propertys at all in that county of York *etc.*, and should these their proceedings not be prevented by our Legislature, it may be feared that not only the province of New Hampshire, but others will follow their example *etc.* If some provision be not made by Parliament for making roads to hawl the masts to the waterside, the King's property to the trees will be no significancion at all *etc.* Only one ship being designed for New England this autumn, which will depart in a few days, no time ought to be lost in sending the order to the Governor for stopping the prosecutions *etc.*, and moreover least there should be any disturbance from the French or other Indians, I pray that the Governor may be directed to afford guard for the protection of my workmen *etc.* *Copy.* 3 pp. [*C.O.* 5, 876. ff. 67-69, 70 v.]



1734.

Oct. 1.  
Whitehall.

**328.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose accounts of incidental charges of the Office, Midsummer to Michaelmas, and request payment of quarter's salaries now due. *v. Journal.* [*C.O.* 389, 37. *pp.* 356, 357.]

Oct. 1.  
Whitehall.

**329.** Mr. Popple to Mr. Burchet. Having laid before my Lords Commissioners for Trade and Plantations your letter of yesterday's date inclosing the copy of one from Mr. Gulston, Contractor for supplying the Royal Navy with masts, I have received their orders to write to the Governor of New England upon that subject, and inclosed you have a copy of my letter to him. But their Lordships apprehend the evils complain'd of cannot be cured without the assistance of Parliament; tho' a great deal might be done by a good Judge of the Admiralty: and if the Lords of the Admirty. would be pleas'd for the present to name the Captain of the Station Ship there, Judge of their Court in that Province, with proper powers to name a Deputy whom he might confide in in his absence, it is apprehended more care would be taken of the King's interest there, than has been for many years last past. [*C.O.* 5, 917. *pp.* 101, 102.]

Oct. 1.  
Whitehall.

**330.** Mr. Popple to Mr. Belcher. My Lords Commissioners for Trade and Plantations having received a complaint from Mr. Gulston, Contractor for supplying the Royal Navy with masts, their Lordships have commanded me to send you a copy of it and to desire that you will give all possible protection and assistance in your power, to the said contractors, agents and servts. in New England, that they may be enabled to do their duty in a matter of so great importance to the publick: and that you would recommend in an especial manner to the inhabitants in these parts, where the masts are now cutting, to abstain from frivolous and vexatious suits against the said Agents, who will otherways be render'd incapable of performing their contract, and you will easily imagine what clamour and resentment a disappointment of that sort must produce in Great Britain. Their Lordships hope you will have no disturbance in those parts either from the French or their Indians, but in case there should be any commotions there I am also directed to desire, that you would send a detachment of your Militia to protect the mast cutters for the Royal Navy. [*C.O.* 5, 917. *pp.* 100, 101.]

Oct. 2.  
Whitehall.

**331.** Mr. Popple to Nicholas Paxton. Mrs. Campbell having informed my Lords Commissioners that by the draught of a deed of conveyance by you prepared for her surrendering to the Crown her right of seigniority in Annapolis Royal, the £2000 to be given to her for the absolute purchase thereof is intended to include all the arrears of quit rent now due to her, I am commanded to acquaint you, that when my Lords made their report upon her petition, they proposed that exclusive of the £2000, she might be at liberty to receive from her under-tenants in Nova Scotia such arrears of quit-rent as should appear to be due to her at the time of her executing the said deed of conveyance. [*C.O.* 218, 2. *p.* 306.]

1734.  
Oct. 3.  
Whitehall.

**332.** Duke of Newcastle to the Governor of New England. I send you herewith a copy of a letter from Mr. Burchett *etc.* to my Secretarys, inclosing one from Mr. Gulston, the Contractor for supplying H.M. Navy with masts from New England, setting forth that the persons employed by them, in searching for and providing masts pursuant to his contract have of late been greatly obstructed therein, particularly in the township of Berwick and County of York, the owners of the lands there having sued them for damages, to which they have been adjudged, as is represented for felling trees, which altho' they were of the dimensions of those that are reserved to the Crown by the Act of Parliament in that behalf, were pretended by the said owners to be their property *etc.* As this is an affair that highly concerns the good of the service, I am to acquaint you with the King's pleasure that you examine into it as soon as may be, and use your best endeavours to put a stop to any unjust and vexatious prosecutions that may be carrying on or intended against the said contractor's workmen, and give them what assistance and encouragement you can in the legal execution of their business. And if they should be under any apprehensions of being attacked by the French or other Indians, or otherwise molested, during their being employed in this service, for which you should think there is any foundation, you will in that case give them all the protection you can against any such attempts. *Signed, Holles Newcastle. Copy. Annexed,*

332. i. Mr. Burchett to the Secretaries of the Duke of Newcastle. Admiralty Office, Sept. 30, 1734. *Abstract.* Encloses following. If some speedy stop is not put to those unjust proceedings, the Navy must undoubtedly be distressed for want of the usual supply of masts *etc.* My Lords Commrs. of the Admiralty desire that His Grace may be pleased to lay Mr. Gulston's letter before H.M. and signify H.M. pleasure to the Governor of New England in the most pressing manner and as soon as possible by the ship which will in a few days proceed to those parts, to use his utmost endeavours to put a stop to those unreasonable obstructions, prosecutions and abuses complained of *etc. as last sentence in preceding. Copy.*

332. ii. Ralph Gulston to [Commissioners of the Navy]. Sept. 27, 1734. *As above* Sept. 30, encl. i. [C.O. 324, 36. pp. 478-485; and (covering letter only) 5, 899. ff. 104, 104 v.]

Oct. 4.  
Admiralty  
Office.

**333.** Mr. Burchett to Mr. Popple. Reply to letter of 1st Oct. If the Captain of H.M. ships stationed at New England, should be appointed Judge of the Vice-Admiralty there, it might occasion his lying longer in port than is necessary, whereby the Trade may suffer. *Signed, J. Burchett. Endorsed, Read.* 4th, Read 23rd Oct., 1734. 1 p. [C.O. 5, 876. ff. 74, 77 v.]

Oct. 5.  
Bermuda.

**334.** Lieut. Governor Pitt to the Council of Trade and Plantations. I did my selfe the honour by way of S. Carolina to transmit to your Lordships the state of this Island according to



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your order sent me by Mr. Popple. I have now the honour to acquaint your Lordships that there is three vacancies in the Council and by the violent indisposition of three others am obliged to recommend to your Lordships the three following gentlemen as men of integrity and substance intirly attach'd to H.M. service, John Darrell, Richard Hunt, and Samuel Spofferth Esqrs. I shall be obliged before they can receive their Mandamus's to call them to the Council Board and hope your Lordships will approve of what I shall do ; which will be a pleasure to him who is with the greatest respect *etc.* *Signed*, John Pitt. *Endorsed*, Recd., Read 31st July, 1735. 1 p. [C.O. 37, 12. ff. 168, 169 v.]

Oct. 6. **335.** Mr. Fane to the Council of Trade and Plantations. Has no objection to Act of Montserrat for *providing support for H.E. etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 8th, Read 23rd Oct., 1734.  $\frac{3}{4}$  p. [C.O. 152, 20. ff. 140, 147 v.]

Oct. 7. **336.** Governor Burrington to the Council of Trade and N. Carolina. Plantations. *Refers to letter of 17th Sept. and suspension of Mr. Rice. Continues* :—Mr. Robert Halton another Councillor, haveing been frequently sent for to Council, and to attend the Courts, for two years together, and often admonished of his neglects, but still willfully absenting all the time, and refusing to shew cause for his said neglects, I thought fit for H.M. service, to suspend him by letter the 26th past. Then there remain'd Mr. Ashe, and Mr. Gale in this Province, and no others, who had sate in the King's Council. On the 27th of September last, I swore Coll. Benjamin Hill, Coll. Francis Pugh, Coll. Henry Guston, Coll. McRora Scarborough into the Council ; and on the 29th Coll. Daniel Hanmer (nephew of Sir Thomas Hanmer) to whom I have given the commission of Chief Justice of N. Carolina, vacant by the death of William Little Esqr. Mr. John Hodgson is made Attorney General in the room of John Montgomery, suspended on the 29th past for the innumerable villainys he has committed ; I forbear writeing more of the said John att this present, referring your Lordships to the Council Journals, but promise to send the Board of Trade a much fuller account of this man, and his companions in villainy, Smith and Rice, when thereunto required. Mr. Lovick, and Mr. Little being dead, it is now mainifest beyond contradiction, that they did not profit themselves by selling the lands, as was falsely suggested to His Grace of Newcastle, and Lords of Trade. Both these gentleman dyed much in debt, and left no mony to pay their creditors. My Lords, I daily expect the King's leave for my return to England, when it arrives, shall make haste to London, hope to inform my Lords of Trade, of all that is necessary for H.M. service in N. Carolina, and endeavour to prove myself *etc.* *Signed*, Geo. Burrington. *Endorsed*, Recd. 18th March, Read 3rd Sept., 1735. 2 pp. [C.O. 5, 294. ff. 186, 186 v., 189 v.]

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Oct. 7.

**337.** *Same* to the Duke of Newcastle. Repeats account of suspending Halton *etc.* "If it is your Grace's pleasure, to order these scoundrels [*Smith, Rice and Montgomery*] to be restored to their former places, this countrey will be in the greatest confusion; send what Governour you please *etc.* Signed, Geo. Burrington. 2 pp. [*C.O.* 5, 309. No. 4.]

Oct. 9.  
Goodman's  
Fields.

**338.** Thomas Gainsborough to John Potts. Inclosed you have the petition to his Majesty as also some remarks upon the same for your governmt. in talking with his Grace the Duke of Newcastle, and if the Duke will admit of it we shou'd be very glad to have the honour of waiting upon him with your good self. We remain respectfully, Sr., your most obliged H. servt. Signed, Thomas Gainsborough for Sam. Storke and Self. *Holograph.* Addressed. 1 p. *Enclosed,*

**338. i.** Petition of Samuel Storke and Peter van Brugh Livingston. One of petitioners, an inhabitant and native of New York, has made it his chief study to secure a friendly correspondence with the neighbouring Indians *etc.* He has riveted himself so much in their favour as to be encouraged to venture a settlement on back frontiers of that Province, more advanced in the Indian country than might be advisable for any person less acquainted with the said Indians. There is a tract of land about six miles in length and six miles in breadth upon the banks of the Mohawks River, commonly called by the natives Tionondarogued, not the property of any private person nor any considerable plantation settled near it *etc.* Petitioners propose to settle it with some of H.M. poor subjects, which will strengthen the frontier against encroachments by the French, and secure the fur trade which of late years in a great measure for want of that has been declining *etc.* *Pray for grant of said lands.* Signed, Samuel Storke, Peter V. B. Livingston. 1 p.

**338. ii.** *Same* to [?]. The lands referred to in preceding are in the County of Albany, unimproved and uninhabited, except by natives who are inconsiderable in number. Considerable quantities of grain could be raised there to supply the Indian traders, who are now supplied from towns at a great distance *etc. as preceding.* *Without date, signature or endorsement.* 1 p. [*C.O.* 5, 1093. ff. 321, 321 v., 322, 324.]

Oct. 9.  
St.  
Christophers.

**339.** Governor Mathew to Mr. Popple. *Begins with duplicate of 14th Sept. Continues:* I send by Capt. Adair, and recommended to his care to deliver, a box containing an Act of St. Christophers entituled *An Act for continuing An Act entituled An Act to oblige all owners, renters or possessors of slaves to send a proportion of their said slaves to work on the fortifications of this Island,* and an Act of the Island of Antigua entituled a supplementary Act to an Act entituled *An Act for repairing the cisterns,*



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*compleating and finishing the storehouse, repairing the platforms for the guns on Monks Hill.* Both these acts I pray you will lay before their Lordships. At the same time I must desire you will let their Lordships know there is a vacancy hapned in the Council of Antigua by the death of John Morris Esqr. Samuel Byam Esqr. of that Island, will I believe be recommended to their Lordships to fill up this vacancy at that Board. He is not in the list I sent home on my first arrival. Had I then known his merit, as I now do, I shou'd not have omitted him, and if my wishes would help his succeeding Mr. Morris, he certainly, from the regard I have to H.M. service, would obtain this honour. *Signed*, William Mathew. *Endorsed*, Recd. 18th Dec., 1734, Read 2nd Jan., 1734 $\frac{1}{2}$ . *Addressed*. *Holograph*. 2 pp. [C.O. 152, 20. ff. 176, 176 v., 181 v.]

Oct. 10.  
Bermuda.

**340.** Lt. Governor Pitt to the Council of Trade and Plantations. I was favoured with your Lordships' order dated the 30th May from Mr. Popple desiring me to send your Lordships the state of these Islands, relating to it's trade, strength and fortifications, as also my oppinion what will be further necessary for the encouragement and security thereof. The commodity is platt, made of the palmetto leaves which the inhabitants exchang'd or barter'd for all sorts of Europian goods, and made good returns to the merchants to England, but that now growing in dislike with the people in our mother country, they have nothing to depend upon but their sloops built of cedar wood the growth of the Island, and applying to the neighbouring Colonies, are freighted as carryers to most parts of America, and the produce of the freight is what they chiefly support themselves and familys with. As to our strength there's an Independant Company consisting of fifty men, and about six hundred Militia, most of them are frequently at sea having no other method to gett their bread, we have five forts, two at the entrance of St. Georges Harbour; in one of them are mounted fiveteen guns five of which not being fitt for service, in the other is six guns, two at the entrance of the Castle Harbour, in one are twenty-eight guns, ten of which not being fitt for service, in the other is six guns, and one at the west end of the Island in which is four guns. At my arrivel they were very much out of repair, therefore thought it my duty immediately to have them repair'd in the best manner the workmen of these Islands were capable of, but that will be of little service we not having any ammunition but some fue barrels of powder the remains of a supply ordered by His late Majesty King William, and the Island so poor as not able to defray the necessary charges of the Government, what may be further necessary for the encouragement and security of these Islands; an Engineer would be of great service to supply the defects of the Fortifications and to add to the strengthening of them where there is a deficiency by the ignorance of the workmen, and as this is the key of all our American trade, no ship to any part can pass but within thirty or forty leagues I am of oppinion that a small man of warr is intirely necessary, and another Independant Company to guard the

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Forts, the people of the Island not being sufficient in number to defend the country and forts. This is what I take the liberty to inform your Lordships in my opinion is absolutely necessary for the security of these Islands, not doubting but your Lordships will represent the state of these Islands to His Most Sacred Majesty, that we may be supply'd with amunition and other necessarys as your Lordships shall think most proper for us. *Signed*, John Pitt. *Endorsed*, Recd. 23rd Jan., Read 31st July, 1735. 1 p. [C.O. 37, 12. ff. 167, 170 v., and abstract C.O. 37, 24. f. 21 v.]

Oct. 16.  
Maryland.

**341.** Lt. Gov. Ogle to the Council of Trade and Plantations. In obedience to your Lordships' commands communicated to me by Mr. Popple, in a letter dated the 30th of May last, to transmit to you my opinion, what further encouragemt. may be necessary to engage the inhabitants of the British Colonies on the Continent of America, particularly of those within this Government, to apply their industry to the cultivation of naval stores of all kinds, as also of such other products as may be proper for the soil of the said Colonies, and do not interfere with the trade, or produce of Great Britain, which your Lordships likewise require to be transmitted with the greatest dispatch ; I have sent the best account I am able to give in so short a time, your Lordships' commands not having arrived here till the first of this month. The inhabitants of Maryland are at present almost wholly employed in making tobacco, but the soil in many places is certainly exceedingly rich and proper for hemp, which however nobody applies themselves to at present, nor I believe will do for this long time to come, without an extraordinary encouragement. The chief reason that prevents people turning their thoughts this way, besides the length of navigation, I take to be the dearth of labour, for the richest and best fresh land is generally so loaded with trees, that it cannot be cleared of the roots and made fit for this purpose without a very great expence. People that are free, have great wages, two shillings a day and their diet being a common price, and even the labour of bought servants and slaves comes much dearer here than that of labouring people in any part of Europe ; besides that slaves sell for more here than to the Southward, their cloathing is more expensive, nor are they in a considerable time after importation fit for service, especially in cold seasons, and at the best a slave will not do near the daily labour of a working man in Great Britain or Ireland ; the case is the same with white servants, who are generally of the most idle and slothful people, and besides lose much of their time by sickness, which still increases the expence. A gentleman of this country of a very good fortune, with a good number of hands, a few years ago applied himself wholly to the making of this commodity, but sunk under the experiment, which, I believe, has sufficiently discouraged others, from following his example, unless a greater bounty be given than the present one, which upon experience has been found insufficient. The shortness of time in all former bounties is likewise much complained of by all



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people here, who seem any ways inclinable to go upon this, or any other sort of naval stores. The lands on the navigable rivers are pretty much cleared of wood, and did the freight admit of exportation of ship building timber, the land carriage and labour in getting it, would be too great ; large pines are scarce, nor does the Province seem to afford a sufficiency of pine trees to go upon pitch and tarr or turpentine for exportation ; hitherto they have not, nor at present do they make enough for their own consumption. The Province in many parts affords a good and kindly iron oar, and there are at present two iron works on foot, one of them having a forge for bar iron, but altho' the article of wood is so much cheaper here than in England or Ireland, the charge of labour, and extraordinary wages to proper workmen to induce them to come over, sinks the other advantage so much that they who have engaged in this business, meet with many difficulties and disappointments in the carrying of it on ; how far it may be consistent with the interest of Great Britain to take off the present duties I shall not presume to say ; but the doing of it would certainly occasion a large supply both of bar and pig iron to be sent home from the Plantations and particularly from this Province ; which in return would take off so much more of the British manufactures, it being very certain, that they always have and will continue to send for as much of them as they are able : And indeed for this reason it seems hardly possible for too much encouragement to be given to the Plantations, to induce them to employ their industry to the cultivation of naval stores of all sorts, which might have an additional good effect on the two tobacco Colonies, as it would take off some of their hands from the making of tobacco, the low price of which being the only thing that can ever turn their thoughts to raising of sheep, weaving, spinning and other arts which interfere with the manufactures of Great Britain, to which they are so little inclined, that nothing but necessity drove them to the little they have done this way of late, and which the rise of their tobacco last year has made several of them begin to neglect already, saying, they can [*? get*] everything of this sort much cheaper from England, than they can make it at home. I make no doubt but very good wine may be made in this country, vines growing everywhere in the woods, but what encouragement will be sufficient to get people upon so new a thing, I cannot take upon me to say. The Great Bay of Chesapeak, which runs thro' this Province is full of various kinds of fish, of which the people might make a considerable advantage, were they indulged with the liberty of importing salt directly from Europe, as they are in the Northern Colonies, which indulgence, it is to be hoped, can no ways interfere with the trade of Great Britain. *Signed*, Sam. Ogle. *Endorsed*, Reed. 31st Dec., 1734, Read 1st Jan., 1735. 3½ pp. [*C.O.* 5, 1268. ff. 145-146 v.]

Oct. 18.

**342.** Mr. Fane to the Council of Trade and Plantations. Has no objection to three Acts of St. Christophers, 1734. *Signed*, Fran. Fane. *Endorsed*, Reed. 25th Oct., 1734, Read 18th July, 1735. 1 p. [*C.O.* 152, 21. ff. 73, 76 v.]

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Oct. 18.  
London.

**343.** Memorial by Governor Cunningham to the King in Council. The service intended to be carried on by the troops order'd to Jamaica will be greatly obstructed for want of salt provisions, which must be their chief subsistence while in pursuit of ye rebel slaves, or in possession of any of their settlements, that island not affording at all times a sufficient supply on such occasions ; and even when there has been plenty of such provisions there, and funds rais'd for providing the same, the merchants have refus'd to credit the publick, the payments to be made from such funds being at least too remote, if not uncertain, (in case of any deficiencies) so that the service has been delay'd, and the troops, and party's been unable to march for want of such provisions, at seasons when the best services might reasonably have been expected from them. These streights and difficulties (as I am well inform'd) having principally proceeded from the great scarcity and want of currency, recourse has been had to ye raising of loans on the credit of the funds, at an interest of twelve per cent, to answer the immediate and pressing necessities of the publick, but the sums rais'd in pursuance of that method have been so small and inconsiderable, that they have serv'd more to demonstrate the great want of currency already mention'd, than in any wise to answer what was propos'd thereby ; considering therefore the Island under these unhappy circumstances, most humbly pray your Majesty will be graciously pleas'd to give directions, that the troops sent thither may be supply'd with salt provisions, in like manner as your Majesty's troops are supply'd at Gibraltar, or other your Majesty's garrisons abroad, till your Majesty's subjects there shall be in a condition to furnish the same, to the end the service may not be delay'd, or the troops subjected to any extraordinary hardships, in the discharge of their duty ; as also that the list of ordnance stores hereunto subjoyn'd be supply'd, which are not to be had in the island, or the people at present able to provide them, tho' absolutely necessary for the defence and general security of that important colony to the Crown of Great Britain *etc.* 1 $\frac{3}{4}$  large pp. *Enclosed,*

**343. i.** (a) A list of ordnance now at H.M. Fort Charles at Port Royal in Jamaica.

(b) A list of ordnance stores wanting *for same.* Six or eight 24-pounders and 1000 stand of arms *etc.* 2 large pp. [*C.O.* 137, 47. *ff.* 240-241 v.]

Oct. 18.

**344.** Memorial by Governor Cunningham to the King in Council. Your Majestie's subjects of the Island of Jamaica have for many years past been at great expence in fitting out partys against their slaves in rebellion, which of late has been greatly increas'd, having been under a necessity of raising and maintaining a stronger force, in hopes to have reduc'd that intestine enemy (grown strong and audacious by the frequent desertions of other slaves, and the almost continual defeats of the Country partys) to obedience ; but being still unfortunate and under a pressure of numerous taxes, that have been very heavy and



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burdensome to all, have in these sad circumstances no other hopes but in your Majesty's great goodness and compassion to them ; Wherefore I most humbly pray your Majesty that in consideration of what has been premis'd, the supply absolutely necessary to be rais'd for carrying on the publick service, the many difficulties the people now labour under in raising their taxes, and the great want of currency, through the loss of their trade in general to the Spanish settlements, since the Assiento contract and the annual ship sent to those parts by the South Sea Company ; that your Majesty will be pleas'd to restore the Legislature there, to the liberty of laying a small duty on the import and export of negroes, till they shall be in a condition otherwise to raise the necessary supplies, it being what they have enjoy'd ever since the year 1693 'till your Majesty's Instruction to Majr. Genl. Robert Hunter forbidding the same, and is (from the best information I have been able to get) one of the principal branches of supply on any exigency possible to be rais'd in that island, and in no time more necessary than the present, may be a means of circulating credit, and a relief in some measure to their misfortunes, as they will be enabled thereby, to raise a certain fund towards the subsisting your Majesty's troops order'd thither for the reduction of their rebellious slaves, which is the only motive which has induced me to lay the same before your Majesty *etc.* 1½ pp. [C.O. 137, 47. ff. 248, 248 v.]

Oct. 21.  
Jamaica,  
Spanish Town.

**345.** Major Ayscough, President of the Council of Jamaica, to the Duke of Newcastle. My Lord, in my letter of the 17th Septr. last I acquainted your Grace, that thro' the many inconveniencies of the party having been harboured in so many unlicensed punch-houses at Port Antonio, and of their being rendred by their excessive drinking, and thro' sickness, unfit for service, as also by reason of a rapid river, that lies between that place and the Rebels' Town, which in the great rains is not fordable ; the Legislature have thought fit to remove them from that part of the country to Port Morant ; but since it has been discovered, what a sett of people these inhabitants are, and what their practises have all along been, that the keeping up and maintaining the parties in these parts have been only made a trade of, that the country have been at the expence of one hundred thousand pounds within these five years and no benefit received or relief had, since we have had other information from our party negroes, that there has been a constant correspondence kept between some negroes of our side and those of the rebellious, and that they have been supplied with gunpowder from them ; since for want of good discipline the men have daily deserted, and the present law is not severe enough in inflicting a punishment adequate to such an offence ; the Assembly being resolved to be no longer thus imposed upon, applied to me to discharge the parties, which was not done, without a due regard had to the security of the out-settlements and particularly to Port Antonio ; for your Grace's information of a true state of these facts, I have sent inclosed Lieut. James Draper's examination, and a copy of

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that part of the Journal of the Council, which is transmitted to the Lords Commrs. of Trade wherein their reasons and resolutions are given for the discharge of the parties in a free conference had with the Assembly. The inhabitants of Tichfield near Port Antonio being by these proceedings deprived of all hope of making the people a farther property and of growing rich by the ruin of their country are now become desperate, and have broke out into flames of sedition, and have without any reason renounced the aid and support of the Government, and by a letter dated the 27th day of Septr. last from that town applied to Sr. Chaloner Ogle for his assistance and have offered to put themselves under his protection; and to support their pretended complaints have therein falsely given it to him as a reason, that they had no expectation of having any assistance from me, and that I had openly declared my intentions of giving up that place, which can have no other construction than that I had intended to give up Tichfield to the rebels, which seditious and malicious libell is attended with one circumstance of the highest aggravation, that of their ingratitude in making me such a return when I have deserved all the good will from them, for my being during the course of my administration ever mindful of their interest and safety, one particular instance whereof I gave in refusing the Assembly to discharge the party, untill a proper care was taken of that place. My Lord, I shall not trouble your Grace with anything farther in the vindication of my caracter, your Grace will be better satisfied with that from the Assembly on their address to me, and inclosed herein to your Grace, and with the resolution of the Council inclosed, who have ordered these subscribers to be severely prosecuted according to law. Some time after the rebels went up to a sugar work of one Broadgates, called Edwards Fort in the out-settlements in the parish of St. George's about 25 miles from Port Antonio, where there was only the Master and two white servants, who were at some distance from the house, who on the approach of the rebels ran into the woods, but his wife getting into a little fort near the mansion house, did so manfully defend herself, with the assistance of two of her negroes, that the robbers went away without getting any thing for themselves, but burnt part of the house, and set fire to the Canes. Upon receiving advice of this accident, I immediately sent 50 shot to the relief of those settlements, and called the Assembly to consult on some farther expedients to put a stop to those insults and incursions; but they finding all former measures in fitting out partys (which consist of indented servants and the idlest people) to be hitherto ineffectual, have thought necessary to put the country under martial law for six months, and accordingly made an Act for that purpose under some exceptions, which past the Council, and had my consent, which law if put in execution with vigour and resolution, will by the assistance of the forces expected enable us to reduce the rebels. *Enumerates enclosures. Signed, J. Ayscough. Endorsed, R. 10th Jan. Copy.* The original sent to Mr. Sharpe, Clerk of the Council, in a lettr. from J.C. Jan. 11th, 1734. 5 pp. *Over page,*



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345. i. Memorandum of enclosures received with above letter :—  
 (a) The President's Speech on Tuesday, 1st Oct., 1734.  
 (b) Address of the Assembly of the 3rd Oct., 1734, and the President's answers. (c) Copy of Mr. Draper's examination. (d) Address of the Assembly upon the libell and the President's answer. (e) Copy of a seditious letter from the inhabitants of Titchfield to Sr. Chaloner Ogle, 27th Septr., 1734, and of the Minutes of Council. (f) Copy of the reasons and resolutions of the Council for the discharge of the partys, taken out of the Journal of the Council of 16 Augt., 1734.  $\frac{1}{2}$  p.  
 [C.O. 137, 47. ff. 244–246 v., 247 v.]

Oct. 21. **346.** President Ayscough to the Council of Trade and Planta-  
 Jamaica. tions. Duplicate of preceding covering letter. *Signed*, W.  
 Spanish Town. Asycough. *Endorsed*, Recd. 13th Jan., Read 11th July, 1735.  
*Addressed*. 3 large pp. *Enclosed*,

346. i. Extract from Minutes of Council of Jamaica, 16th Aug., 1734, giving reasons for discharging the parties. *Endorsed*, Recd. 13th Jan., 1734 $\frac{1}{2}$ . 4 $\frac{1}{4}$  large pp.

346. ii. James Draper's examination by the Committee of Assembly, 14th May, 1734, as to the failure of the parties. The men were supplied freely with rum by the tavern keepers, who bought their arms *etc.*, and the magistrates failed to put the laws in execution. The party men and negroes were employed by the inhabitants of Titchfield *etc.* Believes the rebellious negroes are supplied by the parties *etc.* with powder. Several of the rebellious negroes have been sheltered at Port Antonio *etc.* *Endorsed as preceding*. Copy. 1 $\frac{1}{2}$  pp.

346. iii. (a) Inhabitants of Titchfield to Commodore Sir Chaloner Ogle. Sept. 27, 1734. Having no expectation of assistance from the President, who has openly declared his intentions of giving up this place, and having good reasons to fear an attack by the rebellious negroes, place themselves under his protection, and ask for a ship of war to defend them *etc.* *Signed*, Samuel Orgill and 7 others.

(b) Order of Assembly upon preceding. Being unanimously of opinion that the letter is a scandalous libel, in the highest degree reflecting upon the government, the Attorney General is ordered to prosecute the subscribers. *Endorsed as preceding*. Copy. 1 p.

346. iv. Address of Assembly to President Ayscough. Have the deepest abhorrence of the malicious scandalous and false libel *etc.* He has not been wanting to give Titchfield all the assistance in his power *etc.* Have expelled a Member of the House for subscribing said paper *etc.* H.E.'s reply. *Same endorsement*. Copy. 1 $\frac{1}{4}$  pp.

346. v. President Ayscough's Speech to the Council and Assembly of Jamaica, 1st Oct., 1734. Has summoned them on account of an attack by the rebellious negroes

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upon a plantation in St. George's parish. Invites them to take measures to stop such incursions without waiting for the arrival of H.M. troops *etc.* *Same endorsement.*  
*Copy.* 1 p.

346. vi. (a) Address of Assembly to President Ayscough, 4th Oct. In answer to preceding, will do all in their power *etc.*

(b) President Ayscough's reply. *Same endorsement.*  
 1½ pp. [C.O. 137, 21. ff. 174-175 v., 177-181, 182-183 v., 184 v., 185 v., 186, 187, 188, 188 v., 189 v.; and (duplicates of covering letter and enclosures *in and vi only*) 137, 55. ff. 114-116, 118.]

Oct. 22.  
 Antigua.

**347.** Governor Mathew to Mr. Popple. Encloses Minutes of Council and of Assembly, Montserrat, ending 19th Sept., just received. *Signed,* William Mathew. *Endorsed,* Recd. 31st Dec., 1734, Read 30th July, 1735. *Holograph.* 1 p. [C.O. 152, 21. ff. 92, 97 v.]

Oct. 22.

**348.** Thomas Lowndes to the Council of Trade and Plantations. I must be allowed the liberty to observe to your Lordps., that about four years ago I sold a barony of land in South Carolina, the grant of which, except the trustees' name, was just the same with that purchased by Mr. Rutherford (which has long lain in your Lordps.' Office) and I took bonds payable at a future day for the purchase money. Some time after the bonds were become due, I put them in suit, and the security one Mr. Cotton *etc.* an attorney of much fame by direction, as he said, of Wright the purchaser brought a bill in the Exchequer at Westmr. praying that the bonds might be deliver'd up cancelled *for that the grant, for the purchase of which they were given, was void for uncertainty there being no bounds etc. described in it.* I by order of Court set forth the grant in hæc verba and pleaded the saving clause in the Act of Parliamt. for the Crown's purchase of Carolina and my answer was not only allowed to be sufficient and good, but after several hearings before the Lord Chief Baron *etc.* the purchaser's bill was dismissed with full costs; which together with the purchase money was levied upon the securitys, goods *etc.* in Hertfordshire and Middlesex. Your Lordships' Solicitor may give you full information of the whole proceedings, for we fought all the weapons through. The Records of the Council Office of the 19th Mar., 172½, will shew (when the Treaty was negotiating) that H.M. bought Carolina with the incumbrance of my grant expressly and by name. And the saving clause was accordingly drawn by the grant now before your Board. If after all this my right is to be question'd, I know not what can be called property *etc.* *H.M. (with all submission I write it) is bound in law by the Proprietors' Warranty, wch. is peculiar to my grant alone, and I was a purchaser for a valuable consideration.* I therefore beg leave humbly insist on your Lordships performing your agreement with me as to directing the Surveyor Genll. to run out the Barony sold to Mr. Rutherford agreeable to my Memorial. The Surveyor



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Genll. is an officer under your Lordps.' directions by his Instructions. I most solemnly conjure your Lordps. not to let your prejudice to my person affect my cause, when you sit in judgement. The complaint I exhibited against your Secy. Mr. Popple was well grounded, for I was basely cheated by his mediation, and I lost more than sixty pounds. I do with truth assure your Lordps. did I not abhorh disserving my native country, I can shew a neighbouring nation how to deprive Great Britain of a valuable branch of trade without infringing any Treaty, and if your Lordps. will signify that you think this a vain brag (so that my honour as an Englishman may be fully justified) I will immediately and publickly set down in writing how in that particular our commerce may be prejudiced; and I know, my Lords, how to be very welcome to a foreign State whose language, manners and customs ('tis well known) I am no stranger to. I am, my Lords, your Lordps'. most oppressed humble Servt., Tho. Lowndes. *Endorsed, Recd., Read 22nd Oct., 1734. Holograph. 2 pp. [C.O. 5, 363. ff. 128, 128 v., 129 v.]*

Oct. 23.  
Whitehall.

**349.** Circular letter to Governors of Plantations in America. Whereas by H.M. Royal Instructions to you and other ye Govrs. *etc.* of His Plantations in America, *etc.*, you are required not to permit any clause whatsoever to be inserted in any law for levying mony or the value of mony whereby the same shall not be made lyable to be accounted for unto H.M. and to the Lords Commissrs. of H.M. Treasury or Lord High Treasurer for the time being; and whereas you are likewise particularly required and enjoyn'd, upon pain of H.M. highest displeasure, to take care that fair books of accounts of all receipts and payments of all publick monies be duly kept and the truth thereof attested upon oath, and yt. the said books should be transmitted every half year or oftner to the Lords Commissrs. of H.M. Treasury *etc.*, as likewise to us, and duplicates thereof by the next conveyance, in which books are to be specified every particular sum raised or disposed of, together with the names of the persons to whom any payments are made, to the end H.M. may be satisfied of the right and due application of the Revenue of His Plantations, with the probability of the increase or diminution of it under every head or article thereof; and whereas notwithstanding the said Instruction the Govrs. of some of H.M. Plantations have for many years past neglected to transmit any such books either to the Lords Commissrs. of H.M. Treasury or to us. We conceive it necessary for H.M. service to remind them of their duty in this particular, and we accordingly recommend to you in an especial manner to pay a due and exact obedience to H.M. Instructions herein for the future. [*C.O. 324, 12. pp. 76, 77.*]

Oct. 23.  
Treasury  
Chambers.

**350.** Mr. Scrope to Mr. Popple. *Encloses* following to be laid before the Board. *Concludes* :—As my Lords agree entirely with Mr. Attorney General in his opinion thereupon, you will please to move their Lordships at the same time to obtain H.M. orders to the said Governour [*Johnson*] to pass the grants of the

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lands which have been surveyed for the petitioners, and certified into the proper offices, to the end the petitioners may be thereby enabled to try the validity of certain old dormant patents, and of the surveys made under colour thereof, and may also have the effect of other the matters and things which Mr. Attorney hath proposed for their further releif in the premisses. *Signed, J. Scrope. Endorsed, Recd. 25th, Read 29th Oct., 1734. Addressed. 1½ pp. Enclosed,*

350. i. Mr. Attorney General to the Lords Commissioners of H.M. Treasury.—Sept. 30, 1734. In obedience to their Lordships' commands has considered enclosed petition submitted on behalf of petitioners and other inhabitants of S. Carolina, *etc. v. encl. ii. Continues*: In support of which petition Mr. Hume, one of the petitioners, who acts as Agent for the rest, hath laid before me an attested copy of the petition referred to in the said petition *etc.*, which was presented to the Lower House of Assembly in S. Carolina *etc.* Upon which petition (as the present petitioners have represented to me) no relief was obtained, tho' the same was supported by the deposition of William Hazard and Thomas Stone *etc. Describes* contents of following affidavits *etc. Continues*: Upon the whole I am humbly of opinion that the complaint of the petitioners is well founded, and that they have very just reason to apply to your Lordships for relief. The prayer of their petition seems to be a little too extensive. But I would humbly recommend it to your Lordships to advise H.M. to order the Governor of South Carolina to pass the grants of the lands which have been surveyed for the petitioners and certified into the proper offices that the petitioners may be thereby enabled to try the validity of the old dormant patents and of the surveys made under the colour thereof. And that in passing such grants the said Governor may be ordered to have a regard to the priority of such surveys that no undue preference may be given. It seems to me likewise very reasonable that the Secretary of the said Province, the several Clerks of the Council and of the Upper and Lower House of Assembly should deliver to the petitioners on payment of their customary fees copies of all acts of Assembly, records, papers and vouchers in their custody attested upon oath and that the said Governor if required do cause the Broad Seal of the Province to be affixed to such attestations. As to the erecting of a Court of Exchequer H.M. Instruction seems to be sufficient, and unless it appeared to me what has been done in pursuance of that Instruction, I cannot take upon me to say that any further directions are necessary. When such Court is erected it ought not to be under the influence of the Governor or either of the Houses of Assembly. But as it cannot be presumed that the Governor or either of the Houses of Assembly will



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make use of any such undue practices, I humbly apprehend that it would be improper to give any directions in respect to this part of the prayer of the petition. Nor do I think it proper upon the application of private persons to give directions to the Legislature in this Province what laws they are to pass, especially since all such laws must afterwards receive H.M. approbation and may be rejected by Him if thought proper. *Signed, J. Willes. Endorsed as preceding. 10½ large pp. Enclosed,*

350. ii. Petition of Robert Hume, Thomas Cooper, Job Rothmahler, Elez. Allen, William Frewin, Walter Izard, William Dry and Malachi Glaze Esqrs., Richard Lambton, Robert Austin, John Frazer, Eben. Simonds, James Kilpatrick, and William Harvey, inhabitants of South Carolina, as well on behalf of themselves as of divers other inhabitants of the said Province, to the Lords Commissioners of the Treasury. Sheweth that many of your Petitioners were settled in and about Port Royal in Granville County and were entituled to sundry tracts of land by grants from the late Lords Proprietors. But the Indian war breaking out in the year 1715 your Petitioners were drove off and forct to fly, many of them having their houses burnt, their wives, children and other relations and their servants and slaves most cruelly massacred and thereby your Petitioners' title deeds to their respective possessions destroyed and your poor distressed Petitioners could not with safety return to those parts till within these few years past, for a fuller illustration of their hard condition, they beg leave to refer to the copy of their Petition to the Lower House of Assembly in South Carolina hereto annexed. That some of your Petitioners being invited over to the said Province upon a manifesto of Robert Johnson Esqr. then and present Governour of the said Province, published in Ireland in 1718, whereby each person capable of bearing arms was promised three hundred acres of land in the said Granville County, your Petitioners obtained warrants from the said Governour and procured several tracts of land to be admeasured and laid out unto them and certified by the Surveyor General, but before your Petitioners could obtain proper grants of such lands (which grants they were very desirous to have and used all possible means to procure) the land office was shut up, notwithstanding which your Petitioners remaining in hopes of proper titles whenever the office became open again, they settled and cultivated these lands and lived thereon at the great peril of their lives from the neighbouring Spaniards and Indian enemies until such time they were obliged to fly to preserve their lives from the Indians who came into the settlements and killed several

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inhabitants and your petitioners durst not until very lately return into those parts. That your Petitioners being thus drove off their estates several persons under colour of patents for Landgrave and Cassiqueships known to be void taking advantage of your Petitioners' misfortunes and the particular circumstances of their case have since the year 1719 in a most unjust and cruel manner run your Petitioners' land and possessions from over their heads and covered exorbitant tracts of land in the said County as well to the injury of your Petitioners as to the great weakening and hindrance of the settlement and cultivation of that part of the said Province. That many of your Petitioners in order to be restored to their old possessions and others of your petitioners being desirous to become tenants to H.M. and to cultivate and settle lands in the said County which at present lies waste and unsettled for many miles together) they obtained *warrants* from His Excellency Robert Johnson Esqr. Governour of the said Province directed to H.M. Surveyor to lay out and admeasure unto them respectively the several quantities of lands therein mentioned and pursuant to such warrants sundry tracts of land (part of them your Petitioners' old possessions and the residue thereof vacant lands belonging to H.M.) have been surveyed, plotted and certified for your Petitioners into the proper offices ready for grants to be affixed to the same, and your Petitioners have been at great trouble and charges in obtaining such warrants and surveys. That since the several surveys last mentioned to have been made for your Petits. His Excellency Robert Johnson Esqr. Governour of that Province and four or five other persons designing to engross exorbitant tracts and to enrich themselves by selling the same again in parcels have obstructed your Petitioners in obtaining H.M. grants under pretence of sham surveys of these lands by virtue of Patents which were void and had been so reported to be by H.M. late Attorney and Solicitor General, to the great hindrance of the settling of that County in prejudice of your Petitioners' rights and just claims and in diminution of H.M. Revenue. That the said Governour Johnson by one of H.M. Instructions in 1730 (as your Petitioners are advised) was required to establish a Court of Exchequer in the said Province for determining all cases relating to H.M. Revenue, wherein your Petitioners conceive all disputes relating to H.M. lands are properly cognisable. But the said Governor hath neglected to erect such Court and instead thereof he together with the Council have assumed the same to themselves (being both parties and judges) and have already in a most arbitrary illegal and extra-judicial way forejudged your Petitioners' claims in favour of the old dormant patents in prejudice



1734. [350. ii]

of H.M. title and lessening his Revenue. Wherefore your Petitioners humbly pray that the Governour of the said Province be ordered to pass H.M. grants to your Petitioners of the said lands whereby they may be enabled to try the validity of such pretended patents and of the surveys made under colour thereof. That the Govr. of the said Province be ordered to pass grants of lands laid out and admeasured to your Petitioners by virtue of warrants from H.M. Governour there according to the priority of such survey which will be a means to prevent any partiality or undue preference. That H.M. Court of Exchequer may be forthwith erected for the hearing and determining rights and claims of lands according to law without appeal otherwise than to H.M. That such Court may not be under the influence of the Governour or subject or lyable to the awe, power or controul of the Upper or Lower Houses of Assembly. That an instruction may go to the said Governor requiring that the Secretary of the said Province, the several clerks of the Council and of the Upper and Lower Houses of Assembly do deliver to your Petitioner (on payment of the customary Fees) copies of all Acts of Assembly records, papers and vouchers in their keeping and attest the same on oath and that the said Governour do cause the Broad Seal of the Province to be affixt to such attestations. That no law may pass for the reviving or confirming such landgraves' and cassiques' patents as have been laid on any lands in Granville County since the year 1718. That your Petitioners may have such other relief as your Lordships shall think proper. *Signed, Robt. Hume, Attorney of the Petrs. 1 large p.*

350. iii. Petition of the inhabitants of Port Royal and parts adjacent in Granville to the House of Commons met at Charles Town. *Abstract.* Petitioners, who have been settled here on the Frontier for many years and exposed to the greatest dangers from incursions by the Indians and Spaniards, are now deprived of the opportunity of taking up more lands, pursuant to H.M. Instructions, except back lands of little or no use and lying in the very jaws of the Indians. For all the valuable lands on navigable rivers or creeks adjacent to Port Royal have very lately, but before the Office was publicly opened and before petitioners could have an opportunity of taking up lands, been taken up and run out in exorbitant tracts of 12 and 24,000 acres under colour of patents heretofore granted to Landgraves and Cassiques, and which petitioners are credibly informed have been reported to be absolutely void in law by H.M. Attorney and Solicitor General in Great Britain *etc.* The patentees by the exorbitant grants they have ingrossed, have not only prevented the settlement of these parts, but have run some of petitioners' lands and possessions over their

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heads and left them destitute of a place whereon to set their feet. *Pray* them to represent their distresses to His Majesty "in the most particular and pathetic manner" etc. 61 signatures. *Copy.* 1 $\frac{3}{4}$  pp.

350. iv. Deposition of John Beamor, 18th Oct., 1733. As an inhabitant of Port Royal over 15 years, knows many of signatories to above petition, which he confirms. *Signed,* Jno. Beamor. 2 pp.

350. v. Copy of No. iii.

350. vi, vii. Depositions of George Hogg of Port Royal. 5th Feb. and 11th Jan., 1733. *Corroborates* No. iii. *Signed,* George Hogg. 1 p. and 1 $\frac{1}{4}$  pp.

350. viii. Deposition of George Ducat, of Charles Town, 20th Oct., 1733. *Corroborates* No. iii. *Signed,* George Ducat. 1 p.

350. ix. Deposition of Richard Allein, of Craven County. 20th Oct., 1733. *Certifies* that following are true copies etc. *Signed,* Richd. Allein. 1 p.

350. x and xi. Examination of William Hazzard and Thomas Stone of Port Royal, before Chief Justice Robert Wright. 11th April, 1733. *Corroborate* No. iii. *Signed and sworn to by,* William Hazzard, 2 $\frac{1}{2}$  pp. Thomas Stone (*his mark*). 2 $\frac{1}{2}$  pp. and 1 p.

350. xii. Opinion of Attorney and Solicitor General, 28th July, 1730, referred to in No. iii, that the grant, No. xiv, by reason of the uncertainty thereof is absolutely void in law. 1 p.

350. xiii. Deposition of James Greemes and William Frewin of Charles Town, 14th Dec., 1733, that following is a true copy. *Signed,* James Greemes, William Frewen.

350. xiv. Patent from the late Lords Proprietors of S. Carolina to Sir Nathaniel Johnson, 1686, of two baronies of 12,000 acres each. *Copy. Latin.* 1 $\frac{3}{4}$  pp. [C.O. 5, 363. ff. 144, 144 v., 145 v.-151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 162 v., 163, 164, 165, 166, 167, 168, 170, 171, 172, 172 v.]

Oct. 24.  
Annapolis  
Royall.

**351.** Lt. Governor Armstrong to the Duke of Newcastle. Tho' at present I have nothing material to lay before you, I still conclude it my duty at all times to make offer to your Grace of my best respects. The state of the Province is as I advised you in my last and former letters, as to which I doubt not your Grace will honour me with such directions as may be necessary for my further guidance therein, to which I shall allways strickly conform myself. We have seldom or never seen here any of our Indians since the news and report of war; the last advice we had of their being assembled into any considerable body was this summer at Cape Breton under pretence of their annual presents; but their consultations and other designs are as yet to us unknown, and I must acquaint your Grace that for want of such presents here this H.M. Government is much despised by these poor deluded people; which I presume to offer to your Grace's consideration. *Signed,* L. Armstrong. 2 pp. [C.O. 217, 39. ff. 128, 128v.]



1734.  
Oct. 24.  
Annapolis  
Royall.
- 352.** Lt. Governor Armstrong to the Council of Trade and Plantations. Tho' at present I have nothing material to lay before you, I still conclude it my duty at all times to make offer to your Lordps. of my best respects. The state of the Province is as I advised you in my last and former letters, as to which I doubt not the favr. of your Lordps'. answer and such other directions as you my judge necess'ry for my farther guidance therein, to which I shall allways strickly conform myself. We have seldom or never seen here any of our Indians since the news and reports of war ; the last advice we had of their being assembled into any considerable body was this summer at Cape Breton under pretence of their annual presents ; but their consultations and other designs are as yet to us unknown : And I must acquaint your Lordships that for want of such presents, this H.M. Government is much despised by these poor deluded people ; which I presume to offer to your Lordships' consideration *etc.* *Signed*, L. Armstrong. *Endorsed*, Recd. 25th Feb., Read 4th Sept., 1735.  $1\frac{3}{4}$  pp. [C.O. 217, 7. ff. 122, 122 v., 125 v.]
- Oct. 26.
- 353.** Extract from letter. Mr. Wood to Mr. William Jefferies of Bristol. As there can be nothing more visible than that our adversaries are aiming at all the delay possible in this dispute about negroes and paper currency, now before the Board of Trade, so you are to push with all vigor, to have a result put to it one way or other, and, if they will not take care of the traders of this kingdom, consequently not of its trade, the traders must stop, who know these affairs, and not suffer themselves to be ruined with their eyes open. Let the Colony have ye whole, and then they will cheat none, but themselves. As for our parts, of Bristol, we desire to see an end of this expence ; therefore, as it is now almost 12 months since it began, inform their Lordships, whilst matters are in this uncertain state, both the trade and traders to Carolina must suffer. Let them use their own opinions, and do as they would be done unto, in like manner, but prevail on them, if possible, to have an end put to this dispute. *Endorsed*, Recd. 6th Nov., Read 28th Dec., 1734 "Put into my hands by Mr. E. Wood . . . at ye Plantation Office. M[artin]. B[laden]. 1 p. [C.O. 323, 10. ff. 7, 12 v.]
- Oct. 29.  
Whitehall.
- 354.** Duke of Newcastle to Governor Pitt. Encloses warrant for pardon of John Walker (*v.* 10th Aug.), *Signed*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 485.]
- Oct. 29.  
Antigua.
- 355.** Governor Mathew to Mr. Popple. Enclos'd are duplicate Minutes of the Council of Montserat for the quarter ending the 29th Sept. last and of the Assembly of that Island for the same. Mr. Wavell Smith, who keeps the office at St. Christophers and Antigua in his own hands chiefly, is as negligent as ever, and gives me the usual plague of solliciting him in vain for those of those two Islands. I know not what to do with him, unless I suspend him. I have not reed. the Minutes of St. Christophers but to the 20 Feb. and of Antigua to the 8 April last. Tho he has a

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positive order for my having them quarterly. *Signed*, William Mathew. *Endorsed*, Recd. 31st Dec., 1734, Read 30th July, 1735. *Holograph*. 1 p. [C.O. 152, 21. ff. 93, 96 v.]
- Oct. 29. **356.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. In pursuance of their representation of 24th Aug., 1732, quote from Lt. Governor Gooch's letter of 8th Feb., 1733, relating to Mrs. Jones' report of a silver mine in Virginia. *Autograph signatures*. 2 pp. [C.O. 1344. ff. 27, 27 v., and 5, 1366. pp. 118, 119.]
- Oct. 29. **357.** Governor of Connecticut to the Council of Trade and Hartford. Plantations. These come by the first opportunity to acknowledge your favour of May 30th, 1734, and your extensive goodness manifested in desiring of the Governour and Company of this H.M. Colony of Connecticut to give your Lordships their opinion, what further encouragement may be necessary to engage the inhabitants in this Government to apply their industry to the cultivation of naval stores of all kinds &c. and accordingly to informe your Lordships, that there is but very little pine in this Colony, so that no other naval stores can be expected from hence besides hemp; for the encouragement of the raising whereof our General Assembly the last May did grant a premium of four pence upon the pound; and also att the same time for the putting the inhabitants upon further industry in raising something that might not interfere with the produce of Great Brittain; a premium was granted for raising silk, but our experience in either of them hath not assured us how advantageous they may prove; or whether they will answer the charge. *Signed*, C. Talcott. *Endorsed*, Recd. 5th Feb., Read 17th Sept., 1735. 1½ pp. [C.O. 5, 1268. ff. 161, 161 v., 164 v.]
- Oct. 29. **358.** Council of Trade and Plantations to the King. Lay Whitehall. before H.M. for his royal confirmation Act of Montserrat, 1734, for providing an honble. support for Governor Mathew etc. [C.O. 153, 15. p. 276.]
- Oct. 30. **359.** Mr. Fox to the Council of Trade and Plantations. Charles Town, Encloses lists of vessels entered and cleared, Charles Town, for So. Carolina. quarter ended at Michaelmas, 1734. *Signed*, Jos. Fox, Naval Officer. *Endorsed*, Recd. (from Mr. Furry) 30th Dec., 1734, Read 18th Sept., 1735. 1 p. [C.O. 5, 364. ff. 244, 251 v.]
- Oct. 31. **360.** Lt. Governor Gordon to the Council of Trade and Philadelphia. tions. The regard your Lordships have shewn for the welfare of H.M. Colonies on this Continent, by giving them an opportunity of representing what may be further necessary for their encouragement in raising Naval Stores and other commodities fitt for Britain, deserves very particular acknowledgements, and I am in behalf of this Province to make theirs to your Lordships on this occasion. Your Secretary's letter on this subject, with its duplicate, did not reach my hands till the latter end of last



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month, and before I proceed to answer it by this first conveyance that has since offered for London, I must beg leave to observe to your Lordships, that it is the whole study of the merchants here to contrive ways for making returns to Britain, to pay for those great quantities of their manufactures that are daily brought hither, and it is not without the utmost difficulty that they are able to accomplish it; whatever encouragements therefore are given for such commodities as this country is capable of producing, fitt for returns directly to Britain, will manifestly tend to increase our importations from thence. Of Naval Stores, My Lords, this Province produces those two valueable commodities hemp and iron. The first has not as yet been raised in any great quantities, the price of labour being high, tho' many are going upon it, but as there are large tracts of land fitt for that produce, it is to be hoped that a continuance of the same bounty now given may, in time, when wages are lowered by the number of inhabitants, enable us to make considerable returns in it. As to iron it is generally allowed, that what is produced here is as fine and good as any whatsoever, but the great expence that attends works of that kind in a country where labour is so dear has given no small damp to these undertakings. On a suitable encouragement given, I am perswaded that this Province and some of the adjacent Colonies may be able to import such quantities of pig metal and bar iron as may very greatly abate the necessity Britain has hitherto lain under of supplying itself therewith on disadvantageous terms, from foreign nations. Flax is likewise found to agree so well with our soil, that it is not to be doubted but a very considerable progress may soon be made in this commodity, of which great quantities are imported from other nations into Britain, and your Lordships are so sensible of the constant demand there is for it, that if large supplies can be furnished by H.M. Colonies, no manufacture may better deserve an encouragement, or contribute more to discharge the debt incurr'd by the importation of British goods. The mulberry tree is likewise so natural to our soil, growing wild in the rich lands, and the silk worm thrives so well, that there is a distant prospect of some advances towards a silk manufacture, which as it affords employment for the weakest hands would be of the utmost advantage. Some amongst us have shewn how practicable a design of this kind is, by making some small quantities not inferior, as I am informed, in goodness and fineness to the best from France or Italy, but persons are wanting to lead us into the way of winding it from the balls, which I understand to be the most difficult part of the work: But as in time this difficulty may be surmounted, I cannot but recommend likewise a manufacture of this kind as deserving the greatest encouragement, since by the promoting it a valuable addition may be made to the trade of Great Britain. There have been likewise some small essays towards making potashes, and from what I have both heard and seen, there is reason to conclude that a design of this kind may with industry if encouraged, be considerably advanced. What may be proper to be proposed as encouragements on all or any

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of those commodities I have mentioned must be left intirely to your Lordships, whose great knowledge of the general trading interest of Great Britain and of the balances of trade between that Kingdom and those Nations from whence such merchandizes are bought, enables your Lordships to judge in this particular more clearly what may best conduce to the benefit of Great Britain and to the good of its Colonies. I beg leave to acquaint your Lordships that the circumstances of this Province are so little varied from what they were in the year 1731 when I returned my answer to the Queries then sent me that any alteration in that answer appears at this time unnecessary. *Signed*, P. Gordon. *Endorsed*, Reed. 31st Dec., 1734, Read 1st Jan., 173 $\frac{4}{5}$ . 3 pp. [C.O. 5, 1268. ff. 143-144 v.]

Oct. 31.  
Hanover  
Square.

**361.** Col. Bladen to the Duke of Newcastle. *Encloses* following, of which he has sent a copy also to Sir Robert Walpole, "for his perusal in the country." *Continues* :—It is now become highly necessary to put an end as soon as possible to this rebellion, and if what I have offerd may contribut to it, I shall have had the satisfaction of having done my duty, in laying these hints before your Grace for your consideration. If they should be thought worthy of attention, any resolutions taken upon them, should be carryed into execution before Mr. Cuninghams departure, particularly upon the last article, which cannot be too early provided for, as it relates to the disposition of ye troopes immediately on their arrival at Jamaica, for they sayled from Gibraltar the 8th of this monthe. I am always with perfect truthe and respect, My Lord, your Grace's most obedient and most humble servant. *Signed*, Martin Bladen. *Holograph*. 2 pp. *Enclosed*,

361. i. Some considerations relating to the present state of Jamaica with respect to their runaway negroes Octr. ye 26th, 1734. The last accounts from Jamaica inform us, that their slaves desert daily in great numbers to the runaway negroes, who plunder all the out settlements at their pleasure ; so their reduction is now become a matter of the utmost importance. The Crown has been at a great expence for this purpose, in sending six Independent Companys to that island, in addition to the two already there ; and therefore all the fruit that possibly may be, should be reap'd from that expence. But this will depend upon a proper scheme for employment of the troops ; for the people of Jamaica have already thrown away great sums of money to a very ill purpose, in sending out partys against these negroes which have sometimes retir'd after small advantages obtain'd over them, without gaining any solid benefit from those advantages ; and have also frequently been defeated, more particularly in their late expeditions. These miscarriages have not only brought great disreputation upon the Proprietors of those expeditions, but have likewise renderd the inhabitants contemptible to the



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negroes, who now begin to think themselves equal to any undertaking. The first expedition therefore to be made against them by the regular troops should be undertaken with proper caution, for the fate of the Island may in some measure depend upon their success. It may perhaps be pretty difficult, at this distance to form a plan for carrying on a war against savages in woods and mountains, in a method unknown to regular troops; yet some general rules may possibly be laid down, proper to be put in practice where the nature of the country and the circumstances of the people will allow of them; some advantages may likewise be reaped from the experience of former miscarriages, and it would surely be for H.M. service that some general officer should be advis'd with upon this occasion. The following hints relative to this important subject may possibly deserve consideration, they are submitted to better judgements, and if anything usefull should result from them, the substance thereof may be reduc'd into instructions for the Governor of Jamaica before his departure. 1st. It is humbly conceiv'd that the Governor, immediately upon his arrival at Jamaica should make diligent enquiry into the true causes of the late miscarriages in the partys sent out against the negroes, that the like mistakes may be carefully avoided for the future—the reasons generally suggested from thence for these disappointments have been sometimes want of conduct, sometimes want of courage in the commanding officers of those partys, sometimes want of arms, ammunitiion, or provisions, and sometimes the neglect of appointing proper places of rendezvous where different detachments were to joyn; sometimes the want of guides or non-observance of the hours or routs appointed for their march. 2dly. It is to be hoped that few mistakes of this nature can happen to regular troops, but perhaps it may be worth animadversion that notwithstanding the consequence of this service, the King has no military officer in the Island of Jamaica above the rank of a Captain, and amongst these the eldest upon detachment must always command, whatever his ability may be; it is therefore submitted, whether it might not be necessary to send over two field officers with the Governor, of the rank of Lieutenant Colonels or Majors at the least, men of service and judgement, to be recommended by some General Officer here, that will be answerable for their characters. Proper persons may be had for this purpose upon suitable encouragement. The troopes might be put under their command, and as they will have no companys of their own, they would be the more exact in seeing discipline observed, and the numbers of men kept up to the establishment. 3dly. If it should be thought necessary

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to send these two field officers, to make them the more usefull to the public, they should be allow'd to sit and vote in Council, whenever the Governor or Council shall deliberate about any matters relative to the King's troops. 4thly. As nothing can more readily contribute to the reduction of the negroes than an open and easy communication from one end of the island to the other ; the Governor may be directed to propose to the Assembly to make such a road, in imitation of those made by General Wade in Scotland. 5thly. It might likewise be a great advantage and security to ye island to have defensible barracks built in proper stations, at convenient distances, each of them capable to lodge one hundred men at least with their officers commodiously. 6thly. It might be of great service to the regular troops to have their partys attended by some bodys of the Mosquito Indians who are proper to range the woods and give early notice of ambuscades ; for want of such rangers many of their former partys have miscarried. These Indians were formerly great friends to the people of Jamaica ; they have never own'd the sovereignty of Spain but submitted to that of Great Britain, having usually sent their Kings after their election to be confirmed by the Governors of Jamaica who have formerly employ'd them with great success, to hunt and chastize the runaway negroes. 7thly. And therefore if there should be any misunderstanding subsisting between the people of Jamaica and these Indians, it would be of great consequence to reconcile them to our interests. 8thly. It might not perhaps be adviseable to offer any terms to the negroes, till some advantage obtain'd over them shall have made 'em more humble. But it will be a pretty difficult work to destroy them entirely, for by the most moderate accounts they are at least six hundred men able to bear arms ; and if during the continuance of this conflict they should happen to receive any support from the French or Spanish Settlements, with whom it is supposed they have already had some sort of correspondence, and who, in all probability, on the first declaration of war would assist them, the island of Jamaica would be in eminent danger of being lost. So soon therefore as any advantages obtain'd over them shall have render'd the negroes more tractable, why should not terms be made with them ? Why should not some remote corner of the island, most distant from the French and Spanish settlements, be allotted them and a general amnesty allow'd for what is past, upon their submitting to H.M. mercy, acknowledging his government, delivering up their arms, promising to live peaceably for the future and not to receive any more fugitive slaves, but to return them to the owners on a reasonable reward, to be agreed on for that purpose ? The



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Spaniards have practised this method with success through the whole Continent of the West Indies ; there is hardly a great town in New Spain that has not a place of refuge of this sort, call'd by them Polankys, and their old runaway negroes thro' process of time are become as good subjects to the King of Spain as any he has in Mexico or Peru. 9thly. And lastly it is humbly submitted considering how little judgement the people of Jamaica have hitherto shewn in the conduct of their affairs, whether they should not be restrain'd from employing the troops in any new expeditions, till they shall have digested a proper scheme for that purpose in conjunction with Mr. Cunningham their Governor and the officers proposed to attend him. In the meantime ye President of the Council may be directed to put ye six Independt. Companys upon their arrival into good quarters of refreshment, disposing them in such manner as to protect their out settlements and to continue upon the defensive till further orders. 10 *half pp.* [*C.O.* 137, 47. *ff.* 250, 250 *v.*, 253-257 *v.*]

Oct. 31.  
*Romney in*  
*Cadiz Bay.*

**362.** Lord Muskery to Mr. Popple. I received yours of the 30th of May last, the day before I sayl'd from St. Johns, otherwise should have answer'd it sooner, as to what regards to the trade of Newfoundland, I referrr you to the scheme you will receive with this, as to the strength, a sloop of ten gunns and fifty men, may take any harbour in the land, not excepting Placentia, which is the only fortification in the Island, but that so weakly mann'd, and the fort in so bad a condition, that it can make but little defence ; as to St. Johns which is the cheif port of trade in that country, they have not one gunn ; before the French destroy'd it last warr, there was a strong fort, mounted with a good number of cannon, likewise a castle, and a strong battery on the south side of the entrance into the harbour, which with the boom made it allmost impracticable to enter the harbour, but all that is demolish'd, and what gunns the French left, were carried to England about thirteen years since, by the ships of warr, then on that station. It is my oppinion therefore that the fort should again be made fitt for service, which I beleive may be done without much charge, as likewise the batteries on the south side, I think that forty cannon, for both would be sufficient, and as the greatest danger the inhabitants apprehend, is from the enemy's coming over to attack them by land in the winter time, it would in my humble oppinion be extreamly necessary that four score or a hundred men with proper officers should be sent for their defence, for in the condition they are now in, twenty men in the winter time, would at their pleasure take them, and of course demolish their boats, stages and plantations, as to the other harbours, they are entirely defenceless nor do I find that they were much fortify'd the last warr, being in no comparison of consequence with St. Johns. Nevertheless a few guns would be proper to be sent to them, with which the inhabitants would I don't doubt defend

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themselves. *Signed*, Muskery. *Endorsed*, Recd. 2nd Dec., 1734, Read 23rd April, 1735. *Addressed*. 1½ pp. *Enclosed*,

362. i. *Enclosed, Answers to Heads of Enquiry*. 1. On my arrival in Newfoundland, I call'd together the principal inhabitants of the Island of Newfoundland, and with all due solemnity, caus'd H.M. Commission to be read and publish'd. 2. No felonies has been committed, since the last year. 3, and 4. I have strictly forbid the officers and soldiers, resideing at Placentia, to be any ways concern'd in the Fishery, as allso, that not any persons presume to engross any commoditys, tending to the prejudice of the fishery. 5. This article answer'd by transmitting the account of the state of the garrison, by H.M. ship the *Gibraltar*. 6. I have made the strictest enquiry for any new and correct drafts of Newfoundland, but cannot here of any such. 7. I have not found any, carrying on such clandestine trade. 8. Liberty of conscience is permitted to all, except Papist. 9, 10, 11. All offenders against this article, uppon conviction are duely punish'd, and the whole observ'd, the Ministers complying with their duty. 12, 13. This Article comply'd with. 14. I have endeavour'd to regulate the Fishery, pursuant to the Acts. 15, 16, 17. I have had no complaints of the abuse of the said Act. 18. The Admirals, Vice Admirals and Rear Admirals, decide all those differences when they arise, and do appoint in their several harbours, a proportion of room to the several ships, according to their number of boats. 19, 20, 21. I have had no complaint of any such engrossments. 22. This Article is comply'd with, and the certificates produced to the several Admirals, before they are entitled to make choice of their fishing room. 23. The inhabitants generally have a greater number of green men than the Acts directs. 24, 25, 26. I have had no complaints of the breech of the three articles. 27. The Admirals, being generally tradeing men, have little regard to the Acts, excepting what sutes with interest in any ports but where H.M. ships reside, nor can I learn that any of the Admirals have ever kept, such journals and accounts as the Act directs. 28. Differences ariseing in the fishery are decided first by the Admirals as the Act directs, and an appeal to the Commanders of H.M. ships of warr for a final determination. 29. This Article is observ'd. 30. I have not heard of any aliens or strangers, tradeing to or fishing in Newfoundland. 31. This Article answer'd in the General Scheme of the Fishery. 32. The inhabitants are subsisted with provisions from Great Britain and Ireland, as the country produces no kind; their cows, sheep, swine they receive from H.M. Plantations in America, together with rum, molasses and sugar, bread flour and tobacco to the value, as I am inform'd,



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of sixteen thousand pounds sterling. 33. The inhabitants are supply'd with those necessarys from Great Britain only. 34. From twenty-five pounds to ten pounds p. man, and are paid in cloathing and other necessarys great part, and the remainder by bills of exchange payable in England. 35. One boat, and fitting for the fishery, costs from one hundred to one hundred and twenty pounds sterling. 36. The inhabitants have no other imployment for their servants than takeing and cureing of fish, and alow to each boat five men, affording their fish, at the same price, as the fishing ships, and by-boat keepers. 37. The inhabitants, after the fishing season is over, imploy themselves in sawing boards and plank, building boats and providing timber for the summer's fishery. 38. The furring trade is carry'd on, the winter season, in Trinity Bay, and to the northward of Cape Bonavista, and taken last winter, to the value of four hundred pounds, sterling, but don't learn, that they have any traffick with the Indians. 39. The houses of the inhabitants are at proper distances, so as not to obstruct the fishery. 40. The inhabitants claim right to all their improvements wch. have not been posses'd by the fishing ships since the year 1685, and what they do not make use of themselves they sett to hire to the by-boatkeepers and others. 41. Five flakes of one hundred and twenty feet long, are allow'd for a boat's room, and built according to the antient custom, from the shore up into the land, nor a greater extent of front room than formerly allow'd. 42. Uppon the strictest enquiry, I cannot find that any account has been kept, in any of the harbours of Newfoundland, of the room belonging to the fishing ships, before, or since ye year 1685. 43. The fishing ships are victual'd, and provided wth. all necessarys for the fishery from Great Britain. 44. No ships are admitted as Admirals, but such as bring with them a certificate from England of their being duly qualify'd. 45. I have not had any complaint of the Admirals' possessing, any person's, or ship's room. 46. The by-boatkeepers make use of room, hired from the inhabitants, and not of ship's room. 47. From Biddiford and Barnstaple, the custom of allowing shares to their ship's company, but all others using the trade give certain wages; the charge of a ship of one hundred tuns, ten boats and five men, will amount to fifteen hundred pounds sterling. 48, 49. Answer'd in the 7th Head of Enquiry. 50. The commoditys imported from the American Plantations are for the use and consumption of the fishery, and not for exportation, and no other of the enumerated commoditys, the sugar, tobacco, molasses, and a small quantity of rice, not sufficient to carry on an indirect trade. 51. The New England

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merchants carry on their trade by disposing of their commoditys for fish and bills of exchange, the former if they cannot dispose of, for bills of exchange they ship off to foreign markets, the value of rum, mollasses, tobacco, bread, flour, etc., etc., this year amounts to (as I am inform'd) upwards of fifteen thousand pounds sterling. 52. At St. Johns are fourteen taverns or publick houses, and them kep by the inhabitants only, the fishermen are generally trusted on the credit of their masters, who deduct their debts out of their wages, and many run so farr in debt, so as not being able to pay the same, endeavour to get to New England. 53. I am inform'd it's common for the inhabitants to trust their servants with rum and other stores to the full value, and often more, than their wages. 54. The by-boatmen and inhabitants allow for their and their servants, passages from England to Newfoundland £2 10s. 0d. p. man, and thirty shillings pr. man back to England paid at the end of the year in merchantable fish. 55. The method of trusting the servants is certainly the occasion of many disorders. 56. I cannot learn that the commanders. of fishing ships leave any number of men behind them. 57. The New England traders do still continue to carry away numbers of fishermen and seamen, in the ports where H.M. ships do not reside, but I can't learn that it's for the interest of the inhabitants to assist or conive at the carrying away such men, since by that very means the wages do yearly advance. 58. I have obliged all the ships belonging and bound to New England in all the ports I have been into, not to carry any men more than their ship's company brought with them, under the penalty of five hundred pounds sterling. 59. I have given particular charge to the said Admirals that the[y] inspect into the curing and husbanding the fish, in their sevl. harbours, and upon enquiry am inform'd that ten hhds. of salt is sufficient to salt one hundred quintals of fish, it's often the wettnes of the season that prevents the well curing and husbanding the fish, not but the fish laying long in the boats and small vessells the summer season generally take damage before it is brought into the harbours, and may be the means of the complaints abroad, as well as persons unskilfull in fish often take that which is not thoroughly cured, nor do I see any way to prevent such abuses unless some proper persons well acquainted with fish shou'd be appointed sworn cullers, to cull all fish sold and delivered. 60, 61, 62. On my arival here I sent H.M. ship *Roebuck*, the Honble. Captain Crauford Commander, to Portobask, to disposes such French inhabitants, as has not taken the oath to H.M. King George, and to get the best information he could, of the state French fishery, by whom I have the following account. That



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there are ten families most of whom have taken the oaths, being administred to them by Colonel Moody, late Governour of Placentia, they are willing, if it is H.M. pleasure to quit that place, on the first notice, they utterly deny that they have any trade with the French ; the[y] are miserably poor and have neither fortification or arms, and as Captain Crauford informs me the coast is so dangerous that it is not safe for any thing above a sloop, to venture in with the land. 63. I do not find that the officers in the garrison are any ways concern'd in the fishery, or setting out to hire any fishing stages, or letting out the soldiers to fish. 64. I have given all encouragement for the carrying on, and promoting the fishery, as well Freshwater Bay etc. as all other erected to the northward of Cape Bonavesta, as elsewhere. 65. Upon the strictest enquiry, I do not find that the Justices of the Peace, have proceeded, otherwise than in vertue of the Commissions, or that they have any way interfer'd with the fishery, I have also strictly charg'd the said Justices and Admirals, in the several harbours, to be very carefull, in the due executing their several offices, pursuant to the powers given them. 66. I have taken care that the several columns in the scheme, are filled up according to the several accounts I have received, and where any new fisherys has been set up and improv'd, to add a perticular column, and where two or more ports are included, have inserted the several names in the title of the column they are contain'd in. *Signed, Muskery. Endorsed as preceding.* 5 $\frac{2}{3}$  pp.

362. ii. Scheme of Newfoundland Fishery for 1734. *Totals* :— Number of fishery and sack ships (by harbours), 228 (including 57 from America) ; burthen, 17,905 tons ; men belonging thereto, 3345 ; passengers, 2227 ; boats, kept by the ships, by boatmen and inhabitants, 1179 ; by boatmen, 2575 ; Quintals of fish made, 314,545 ; carried to foreign markets 297,650 and 546 tierces of salmon ; train oil made, 1781 tons ; prices, fish per quintal, 12s. to 10s., salmon per tierce, 2s. 6d. to 2s. ; train oil per tun, £12 to £8 15s. ; value of seal oil made, £1310, of furs, £400 ; number of stages, 468 ; of train fats, 303 ; inhabitants, keeping private houses, 313, keeping taverns etc. 47 ; acres of land improved, 323 ; number of inhabitants, 3782, of which 3454 remained in the country last winter. Births, since departure of last convoy, 85 ; deaths, 46. *Signed, Muskery. Endorsed as covering letter.* 4 pp.
362. iii. Account of Ordnance and stores remaining at Placentia, 26th Aug., 1734. *Same endorsement.* 8 $\frac{1}{2}$  pp. [*C.O.* 194, 9. ff. 253, 253 v., 257-259 v., 260 v., 261 v.-263, 264 v.-269, 270 v.]

Nov. 1. **363.** Attorney General to Mr. Popple. Enclosed is a draught of the heads of a Quit rent bill, which hath been settled by me and

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Mr. Solicitor General and is submitted to ye Lords for Trade and Plantations. I am greatly obliged to them for their kind present of the books which you sent me, and desire you to return them my thanks for ye same. *Signed*, J. Willes. *Endorsed*, Reed. 1st Nov., 1734, Read 2nd Jan., 1735. *Holograph*. 1 p. *Enclosed*,
363. i. Heads of a Bill for providing H.M. a rent roll for securing H.M. Quit rents for the remission of arrears and for the better settling, strengthening and cultivating H.M. Province of South Carolina. Oct. 31, 1734. *Signed*, J. Willes, D. Ryder. 7 $\frac{3}{4}$  pp. [C.O. 5, 364. ff. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11 v.]
- Nov. 1. 364. Order of Committee of Privy Council. Approving  
Whitehall. report of the Council of Trade and Plantations, 5th Sept. last, upon the petition of Col. John Peter Purry, and ordering that they prepare instructions for the Governor of S. Carolina accordingly etc. *Signed*, Ja. Vernon. *Endorsed*, Reed. 6th Nov., Read 17th Dec., 1734. 2 $\frac{1}{2}$  pp. [C.O. 5, 363. ff. 192-193 v.]
- Nov. 1. 365. Order of Committee of Privy Council. Approving  
Whitehall. representation of Aug. 29, and ordering accordingly the Council of Trade and Plantations to prepare an Instruction to Governor Belcher relating to his salary. *Signed*, Ja. Vernon. *Endorsed*, Reed. 4th Nov., 1734. 1 $\frac{1}{2}$  pp. [C.O. 5, 876. ff. 75, 75 v., 76 v.]
- Nov. 1. 366. Order of Committee of Privy Council. Referring follow-  
Whitehall. ing to the Council of Trade and Plantations for their opinion thereupon. *Signed*, Jas. Vernon. *Endorsed*, Reed., Read 6th Nov., 1734. 1 p. *Enclosed*,
366. i. Petition of Richard Shelton to the King. The late Lords Proprietors of Carolina granted him in 1722, in consideration of his services as Secretary to them for 21 years and money due to him therefor, a barony of 12,000 acres at a rent of a pepper corn yearly. Petitioner did not take up the said lands because of the unsettled state of affairs of that Province. *Prays* for confirmation of said grant. *Signed*, Ri. Shelton. 1 p. *Enclosed*,
366. ii. Warrant of Lords Proprietors of Carolina, Nov. 26, 1722, for grant referred to in preceding. Copy. 1 p. [C.O. 5, 363. ff. 173, 174, 175, 178 v.]
- Nov. 1. 367. Order of Committee of Council. Referring following  
Whitehall. to the Council of Trade and Plantations for their report thereon. *Signed*, Ja. Vernon. *Endorsed*, Reed. 7th Nov., 1734, Read 6th Feb., 1735. 1 p. *Enclosed*,
367. i. Petition of Merchants of Bristol to the King. By an Act of New York, 1732, to repeal the act and cancel the bills of credit therein mentioned and to grant several duties for supporting H.M. Government until 1st Sept., 1737, the extravagant duty of five ounces of Seville pillar or Mexico plate or 40s. in bills of credit of that Colony is laid on every slave of four years of age and



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upwards imported into that Colony from Africa. Such imposition is very prejudicial to H.M. subjects trading to that Colony and to the coast of Africa and highly detrimental to the trade and navigation of these Kingdoms, and contrary to the express words of H.M. Instructions to His Governor *etc.* *Pray* to be heard by Counsel against the Act, and for its repeal *etc.* 48 *signatures*. *Copy.* 1 $\frac{3}{4}$  pp. [C.O. 5, 1057. ff. 4, 5, 5 v., 7 v.]

Nov. 1.  
Whitehall.

**368.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their opinion thereon. *Signed*, Ja. Vernon. *Endorsed*, Recd. 13th, Read 28th Nov., 1734. 1 $\frac{1}{4}$  pp. *Enclosed*,

368. i. Petition of South Seas Company to the King in Council. *Abstract.* Petitioners formerly exhibited a petition for the repeal of an Act of Jamaica, 1st Aug., 1733, laying a duty on negroes imported *etc.* The said petition was referred to the Board of Trade *etc.* 22nd March. *Continue*: The Act complained of not having been returned in due time to the Lords Commissioners of Trade and being near expiration at the time of such reference and since fully expired, petitioners had not any relief from the said duty *etc.* In March last a new Act *for raising several sums of money etc.*, has been passed, by which the duty is continued to March 28, 1735. The new Act not making any provision to excuse such negroes from payment of the duty as have not continued 12 months on the island, petitioners humbly conceive the same equally inconsistent with the Instructions of the Governor and as injurious to petitioners as the former Act now expired. *Pray* H.M. to repeal it and to give Instructions effectually to prevent the like grievance for the future *etc.* *Signed*, By order of the Directors *etc.*, W. Smith. 2 $\frac{3}{4}$  pp. [C.O. 137, 21. ff. 118-120, 121 v.]

Nov. 1.

**369.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report thereon. *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 6th Nov., 1734. 1 p. *Enclosed*,

369. i. Memorial of Governor Cunningham to the King. London, Oct. 18, 1734. Your Majesty's subjects of the Island of Jamaica have for many years past been at great expence in fitting out partys against their slaves in rebellion which of late has been greatly encreased having been under a necessity of raising and maintaining a stronger force in hopes to have reduced that intestine enemy (grown strong and audacious by the frequent desertions of other slaves and the almost continual defeats of the country partys) to obedience, but being still unfortunate and under a pressure of numerous taxes that have been very heavy and burthensome to all,

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have in these sadd circumstances no other hopes but in your Majesty's great goodness and compassion to them. Wherefore I most humbly pray your Majesty that in consideration of what has been premised, the supply absolutely necessary to be raised for carrying on the publick service, the many difficultys the people now labour under in raising their taxes and the great want of currency thro the loss of their trade in general to the Spanish Settlements since the Assiento Contract and the annual ship sent to those parts by the South Sea Company, that your Majesty will be pleased to restore the Legislature there to the liberty of laying a small duty on the import and export of negroes till they shall be in a condition otherwise to lay the necessary supplies, it being what they have enjoyed ever since the year 1693 till your Majestys Instructions to Major Genl. Robert Hunter forbidding the same, and is *etc.* one of the principal branches of supply on any exigency possible to be raised in that island and in no time more necessary than the present, may be a means of circulating credit and a relief in some measure to their misfortunes, as they will be enabled thereby to raise a certain fund towards the subsisting your Majty's. troops ordered thither for the reduction of their rebellious slaves, which is the only motive that has induced me in the humblest manner to lay the same before your Majesty *etc.* *Copy.* 1 $\frac{3}{4}$  pp. [C.O. 137, 21. ff. 89, 90, 90 v., 92 v.]

Nov. 2. 370. Governor Philipps to the Duke of Newcastle. Encloses following, "sent to me from the Lieut.-Governor of Nova Scotia" *etc.* Signed, R. Philipps. 1 p. *Enclosed,*

370. i, ii. Duplicates of encl. i, ii. July 18 *supra.* [C.O. 217, 39. ff. 130, 132-135 v.]

Nov. 2. 371. President Ayscough to the Council of Trade and Planta-  
Spanish Town. tions. I have nothing more, since my last, to acquaint your Lordships with than that, after Martial Law was proclaimed in pursuance of the Act passed, I called a Council of War, the last consisting of the field offices to regulate the militia and to carry on the expedition against the rebels, the resolutions of which Councils I have inclosed to your Lordships. In order to give life to this undertakeing and to encourage the men to action, I am going up to the east part of the island to Burnett's plantation; near Colonel Thompson's, within eleven miles of the rebels town, where I am attended with the Council, where we shall be upon the spott to see our orders better executed. I hope our resolution and vigour shewn in this affair will put an end to all our troubles and apprehensions. Signed, J. Ayscough. *Endorsed,* Recd. 11th Feb., Read 11th July, 1735. Addressed "On His Majty's service."  $\frac{3}{4}$  p. *Enclosed,*



- 1734.
371. i. Minutes of Council of War, held at St. Jago de la Vega, 24th Oct., 1734. *Endorsed as preceding. Copy.* 6½ large pp. [C.O. 137, 21. ff. 190, 191–194 v., 195 v.]
- Nov. 2.     **372.** President Ayscough to the Duke of Newcastle. Duplicate of preceding covering letter. *Signed, J. Ayscough. Endorsed, R. 20th Febry. Addressed, "On His Majty's. service." Seal.* ¾ p. [C.O. 137, 55. f. 120, 121 v.]
- Nov. 2.     **373.** Mr. Oxenford to Mr. Popple. In reply to Aug. 27th, *encloses following etc. Signed, John Oxenford. Endorsed, Recd. 6th, Read 7th Nov., 1734.* ¾ p. *Enclosed,*

1734. [373. i]

373. i. Account of Imports and Exports to and from England and the West Indies, etc., Christmas 1728-1732. Custom House, London, 2nd Oct., 1734.

	From Christ., 1728 to Xmas, 1729.			To Christmas 1730.			To Christmas 1731.			To Christmas 1732.		
	Imports.	Exports.		Imports.	Exports.		Imports.	Exports.		Imports.	Exports.	
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Antigua ..	290,530	15	5	48,008	6	10	208,801	9	3	32,582	11	4
Barbados ..	241,501	10	10	97,914	3	5	368,326	18	9	118,240	2	2
Bermudas ..	1,053	18	10	3,933	0	1	329	11	4	68	10	0
Jamaica ..	570,110	13	0	180,528	5	5	533,517	19	8	155,561	13	11
Montserrat ..	52,714	17	11	3,372	6	10	65,590	14	2	3,755	15	3
Nevis ..	102,747	16	11	16,192	0	0	87,220	18	11	7,665	17	2
New Providence	—	—	—	—	—	—	226	10	2	—	—	—
St. Christopher..	248,817	10	1	29,034	5	8	248,135	16	3	30,723	6	4
West I. in General (i.e. ships enter- ed for the Sugar Islands in gen- eral) ..	5,515	15	9	192,193	11	11	7,872	14	2	147,260	19	5
Totals ..	1,622,892	18	9	572,676	0	2	1,680,040	12	8	495,848	15	7
										6,507	16	3
										121,438	10	4
										5,831	14	11
										120,303	3	7
										300,752	3	2

[C.O. 137, 21. ff. 94, 95, 97 v.]



1734.

Nov. 4.  
Whitehall.

**374.** Council of Trade and Plantations to the Privy Council. Pursuant to your Lordships' order of the 1st inst. we herewith transmit to your Lordships the draught of an Instruction we have prepared for Jonathan Belcher Esq., H.M. Governor of the Province of the Massachusetts Bay, permitting him to give his assent to a bill passed by the Council and Assembly of that Province on the 8th of June last, for granting H.M. the sum of three thousand pounds for the support of H.M. Governor, that he may be thereby enabled to administer the affairs of H.M. Government. *Annexed,*

374. i. Draught of H.M. Instruction to Governor Belcher. Whereas a bill did pass the Council and House of Representatives of Our Province of the Massachusetts Bay on the 8th of June last, for granting to H.M. the sum of three thousand pounds for the support of H.M. Governor. And whereas application has been humbly made to us in your behalf, that we would graciously permit you to give your assent to the said bill. Now, having taken the premises into Our Royal consideration, Wee do out of Our special grace and favour to you, condescend to the request made in your behalf, and you are hereby impowered to give your assent to the afore-said Bill. And whereas it hath been represented to us, that ye sum of three thousand pounds in bills of credit in that our Province of ye Massachusetts Bay is not at present equivalent to one thousand pounds, you are therefore hereby directed to remind the House of Representatives of our said Province that it is and always was our royal intention that the provision be made by them for our Governor of that our Province for the time being should amount to the full sum of one thousand pounds sterling p. annum. [C.O. 5, 917. pp. 103, 104.]

Nov. 7.

St. James's.

**375.** Order of King in Council. Approving draft of following additional Instruction prepared by the Council of Trade *etc.* *Signed,* James Vernon. *Annexed,*

375. i. H.M. Additional Instruction to Governor Belcher. St. James's, 8th Nov., 1734. *Empowers him* to give his assent to the Act of the Massachusetts Bay, 8th June last, for granting to H.M. £3000 for the support of H.M. Governor. *Concludes* :—And whereas it hath been represented unto Us that the sum of £3000 in bills of credit on that Our Province of the Massachusetts Bay is not at present equivalent to £1000 sterling, you are therefore hereby directed to remind the House of Representatives of Our said Province, that it is and always was Our royal intention that the provision to be made by them for Our Governor of that Our Province for the time being should amount to the full sum of £1000 sterling per annum. *Signed,* G.R. *Copy.* [C.O. 324, 36. pp. 486–488.]

1734.

Nov. 7.  
Barbados.

**376.** Governor Lord Howe to the Council of Trade and Plantations. *Encloses* three Acts to which he has given his assent. *Continues:* The first is an Act to *prevent clandestine marriages*, which having been very frequent of late it was thought advisable to pass an Act to put a stop to them, H.M. Attorney General having also been of opinion it wou'd be the most proper way to do it effectually. The second is an Act to *allow interest on such orders as shall be issu'd in pursuance to the Act for the recovery of arrears etc.* (v. 31st Aug.). I believe your Lordships will be of opinion it was absolutely necessary to pass this Act, that the fortifications might be immediately put into some tolerable posture of defence which could not otherwise have been done, the credit of the country being so low, none wou'd undertake to do anything without being allow'd interest, till they were paid. The third is an Act to *impower certain persons to purchase Pilgrim house and land for the use of the publick.* Your Lordships will please to observe the last clause enacts that the said house etc. shall for ever after be and remain to the use of the publick etc. for the residence of the Governours or Commanders in Chief etc.; therefore as this Act is intirely in pursuance of the latter part of H.M. 25th Instruction to me, I hope it will meet with your Lordships' approbation, as also the other two, which I should not have given my assent to, had it not been represented to me in the strongest manner, and indeed it is my own opinion, they are absolutely necessary for the service of the island etc. *Replies to the Board's request for a state of the island etc.* 30th May, this being the first opportunity since he received it on 22nd Oct.—As to the fortifications, I have not only had them examin'd by the Commissioners of the several divisions but have been all round the island to view them myself and find them in a most miserable condition, some few of the great guns would be fit for service but are now useless for want of carriages, the walls of all the batteries and even of the chief forts are almost intirely destroyed, nor are there any small arms that are fit for service belonging to the publick but about one hundred in the magazine, and even the best have not a bayonet belonging to them; but in pursuance to the Act which I had the honour to transmit to your Lordships in my last packet, for applying part of the surplus of Mr. Worsley's tax to the repairs of the fortifications, as I have view'd and order'd the most necessary forts to be repair'd, I hope I shall be able soon to give your Lordships a better account of them; there are several other forts and batterys which might be of great service if it was possible for the inhabitants at this time to repair them, but they are not, neither do I know when they will be, in a condition to do it, their circumstances are so very bad, which leads me to give your Lordships my reasons for the decay of their strength; if your Lordships will be pleas'd to compare the list I lately sent over of the inhabitants fit to bear arms with the lists that former Governours have sent over, I believe you will find their numbers are very much lessen'd, and daily decrease by the inhabitants running off this island, some to our Northern Colonys and I am afraid many to foreign Governments; I must here observe their



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leaving this place is by some imputed, and I believe it may be an inducement to a few of them, to the weak and defenceless condition in which this island is at present, and the great danger there is of it's being taken in case of a war, but as, by appointing the best officers to command the Militia this place will afford and by seeing them do their duty myself every exercising day, I have taken care to get the Militia in such order and discipline that they have not been in, as I am inform'd, for several years past ; and as I have already got the Field train in such forwardness that I shall have thirty good peices of artillery mounted with ten tumbrells all finish'd and fit for immediate service by Christmas, and as the chief forts are begun to be repair'd, and as I have taken opportunitys to let the people know upon the first breaking out of war, there will be a squadron of ships sent to protect them, and that I have good reason to believe there will be fifty-seven ordnance here very soon by H.M. commands to supply those in the chief forts that are unfit for service, I hope their fear and this cause for quitting the island will soon cease ; but I must here take the liberty to represent to your Lordships that if the small arms I formerly askt for might be sent upon condition and with orders to H.M. Governour *etc.*, not to deliver any out to private persons without paying for them, unless the enemy were actually landing upon the island ; and I beg leave to say I hope this might be thought the more reasonable, as the inhabitants have promis'd to be at the expence of building an armoury for them at the Governour's house and allow an armourer fifty pounds pr. annum for the care of them ; if this is granted, I am perswaded it will be a great encouragement to the people and effectually put a stop to all their fears, tho' I must freely own I am of opinion, the chief reason for their running off the island is their poverty occasion'd by the great decay the trade of this island hath lately fallen into, which brings me to the last head your Lordships have directed me to give an account of ; as I was desirous your Lordships should have as full a state of this as possible I sent for several of the chief planters and merchants to give me their opinions upon it, who all agree, the trade of this island is now and has been for some time past brought to a very low ebb, partly by the late misfortune of short cropps, but chiefly by the low prices our commodity's are reduc'd to by the great increase of the foreign Sugar Colonys ; They are also of opinion, several Acts in this island are very great cramps upon trade and require a speedy redress, particularly an Act intituled an Act *concerning forestallers and ingrossers of provisions*, 1672 *etc.* ; an Act intituled an Act *to prevent the inconveniency upon the inhabitants by forestallers, ingrossers and regraters*, 1676 *etc.* ; *to prevent the exportation of horses and asses from this island*, 1715 *etc.* ; an Act intituled an Act *for laying an imposition on all sugars, mollosses, rum, cotton and ginger imported into this island, which are not the naturall growth and manufacture of some of H.M. Colonys*, 1715 *etc.* ; an Act intituled a *supplemental Act* to the Act last mentioned, 1717. I must also represent to your Lordships as my humble opinion that as to the three first abovemention'd Acts the repealing of them will be of great

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advantage to the island, as it will open and give opportunitys to enlarge the provision trade which this island is in great want of, and as to the two last mention'd Acts the late Act of Parliament for the benefit of the Sugar Colonys has sufficiently provided against the importation here of the articles of sugar, rum and mollosses therein mentioned, and as to the article of cotton, not taken notice of in the said Act of Parliament, they are of opinion in which I also concur that the taking off the duty of sixpence p. pound imposed thereon by the said Acts wou'd be advantageous to the trade of this island as well as to the Brittish cotton manufacture which requires a much greater quantity of that commodity than is produc'd in all the British Colonys, therefore recommend the repealing the said Acts to your Lordships' consideration. They have also recommended to me, which I submit to your Lordships' judgment, whether, giving liberty for the Spaniards to come with their vessells to this island with cash, cocoa, indigo, logwood and other their American produce, not interfering with the produce of H.M. Plantations, for the purchase of European commoditys imported here as well as provisions and other goods, as it wou'd be of very great advantage to the trade of this island, it might not also be a great addition to the trade of Great Britain. The merchants here assure me, and by the best information I can get, it is confirm'd to me the French and Dutch in their Sugar Colonys give them the same liberty and that they reap considerable benefit thereby, how far this liberty may interfere with the trading Companys in England I can't say, but as it was very strongly recommended to me, I hope your Lordships will think it was my duty to mention it to you. They have also represented to me that the merchants of Great Britain, Ireland and H.M. American Colonys trading to this place, as well as the merchants and factors and other inhabitants here have suffer'd very much of late years in their fortunes by the running away of many of the inhabitants of this island, who are indebted to them, with all their slaves and effects to South Carolina where they have been protected by a law of that Province from any arrests or suits for such debts as they have here contracted ; that the only reason for the first passing such a law was to promote the settlement of that Colony, which being now perfected, the keeping it still in force, as they apprehend, is no longer necessary and therefore humbly desire a repeal of the said law as a matter of very great importance to the whole trade of the island. But the chief point they aim at and which I must think wou'd be of the greatest advantage and the surest means to recover the drooping trade of this island and thereby also its strength, is a free and direct exportation of at least their improv'd sugars to foreign markets, which if it were granted, as it would immediately put them on an equal footing with foreigners, they wou'd soon after gain a superiority over them and thereby add a considerable ballance to the national stock ; it wou'd not only preserve H.M. Sugar Plantations and thereby support and maintain H.M. Northern Colonys and promote a great consumption of the produce of Ireland, but would also be greatly advantageous to the trade,



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navigation and strength of Great Britain. I must again repeat, as I look upon this to be the most certain if not the only method to retrieve this sinking Colony, I represent it to your Lordships as a matter which requires the most serious and speedy consideration.

*Encloses* accounts of imports of negroes and wines, Aug. 1723–Sept. 1734, “by which your Lordships will see how greatly the trade of this island in these two respects has lately decreas’d *etc.*” *Continues* :—I have had complaints made me by the merchants that two vessells have lately been taken by the Spaniards, the one a brigantine belonging to this Island, the other a sloop of Virginia bound to this Island; as to the first, I have herewith inclosed a copy of the joint and separate depositions of the master and supra cargo *etc.* they being now off the Island I cou’d not get original deposition, which therefore I hope your Lordships will excuse, and to which I beg leave to refer, your Lordships will observe she was taken the fourteenth of February last, the reason I did not send your Lordships an account of this before, was, the owners of her begg’d of me to give them a letter to the Governour of Porto Rico to try whether he wou’d not give her up before I sent an account of it to England, which I granted in compassion to them who are inhabitants of this Island and will be ruin’d unless their brigantine with the cargo be restor’d, but the said Governour wou’d not even suffer the vessell that carried the owners with my letter to come to an anchor, though they had a pasport from General Mathew, but made them keep out at sea in danger of being lost, and when with difficulty he gave them leave to come ashore with their letters in an open boat he wou’d give no answer to them but told the merchant, the brigantine was a good prize, she having two mules on board which he was satisfied was the produce of some part of the Spanish Coast; he was answer’d they were not and they were there ready to prove by two evidences the mules were taken off of Spanish Town, at which Island they had been about sixteen or eighteen months and were the produce of Beef Island, both Islands under General Mathew’s government; but to this he would give no further answer, but order’d his guards to see the men into their boat directly. The vessell and cargo was sold for two thousand four hundred pounds Barbados currency. The sloop, belonging to Mr. Woodbridge of Virginia, was taken betwixt Cape St. Nicholas on Hispaniola and Cape May on Cuba by a Spanish sloop, the master and his company were put ashore on Turks Island, one of the uninhabited Bahamas, from thence they got a passage in a sloop belonging to Bermudas that happen’d to touch there for salt, the sloop cargo and two negro’s belonging to Mr. Woodbridge were carried into Barocoa on Cuba; full proofs of these facts will be sent home as I am inform’d by the Governour of Virginia; as the merchants here make a great clamour against these proceedings of the Spaniards, I thought it my duty to acquaint your Lordships with them. *Signed*, Howe. *Endorsed*, Recd. 18th Feb., Read 16th July, 1735. 8½ large pp. *Enclosed*,

376. i. Joint Deposition of Alphonso Maison, of St. Michael’s Town, Barbados, master of the brigantine *Friends’*

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*Adventure*, Messrs. William Thomas and John Sterling, merchants of St. Michael's, owners, and John McAlpine, merchant of St. Michael's. Describe voyage and seizure by Spaniards referred to in preceding. *Signed*, Alfonso Maison, John McAlpine. *Endorsed*, Recd. 18th Feb., 1734 $\frac{1}{2}$ . 3 $\frac{1}{2}$  pp.

376. ii. Account of new negroes and wine imported into Barbados.

		Negroes.	Pipes of wine.
Aug. 8, 1723	Aug. 8, 1724	2578	1349 $\frac{3}{4}$
1725 ..	.. ..	2952	1157
1726 ..	.. ..	3914	1432 $\frac{1}{2}$
1727 ..	.. ..	3007	1261
1728 ..	.. ..	4141	1563 $\frac{1}{2}$
1729 ..	.. ..	4661	1504
1730 ..	.. ..	2908	1543
1731 ..	.. ..	3832	1317 $\frac{1}{2}$
1732 ..	.. ..	3081	688 $\frac{1}{2}$
1733 ..	.. ..	1532	990 $\frac{3}{4}$
1733, Dec. 13—13th Sept., 1734		738	411 $\frac{1}{2}$

Total, 33,344

*Endorsed as preceding.*  $\frac{3}{4}$  p. [C.O. 28, 24. ff. 114-121 v.]

Nov. 7. Barbados. **377.** Governor Lord Howe to the Duke of Newcastle. Duplicate of preceding covering letter and enclosure No. i. *Signed*, Howe. 3 $\frac{3}{4}$  pp. [C.O. 28, 45. ff. 327-328 v., 329-330 v.]

Nov. 7. St. James's. **378.** Order of King in Council. Confirming Act of Jamaica to establish the title of the Hon. E. Charlton etc. *Signed*, Ja. Vernon. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 1 $\frac{1}{2}$  pp. [C.O. 137, 21. ff. 145, 145 v., 148 v.]

Nov. 7. St. James's. **379.** Order of King in Council. Confirming Act of New York to repeal part of a clause in the act therein mentioned. *Signed*, Ja. Vernon. *Endorsed*, Recd. 31st May, Read 12th June, 1734. 1 $\frac{1}{4}$  pp. [C.O. 5, 1057. ff. 10, 10 v., 11 v.]

Nov. 9. South Carolina. **380.** Governor Johnson to the Council of Trade and Plantations. In obedience to your Lordships' commands transmitted to me, by Mr. Popple's letter of the 30th of May last to enquire what further encouragements may be necessary to engage the inhabitants of this Province to apply their industry to the cultivation of naval stores of all kinds; and likewise of such other products as may be proper for this soil and climate (that do not interfere with the trade and product of Great Britain) I have duely consider'd thereof and taken the advice of such here as I thought capable. *Hemp*. The General Assembly of this Province did the last Sessions pass a law whereby they gave unto Mr. Richd. Hall one hundred pounds sterling per annum and sent him to Holland to procure three hundred bushls. of hemp seed and twenty



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bushels of flax seed, but was so unfortunate as to ship the sd. seeds on board of Capt. Paul, who stay'd so long in London, and afterwards detained nine weeks in the Chanel by contrary winds, that he did not arrive here till the 15th of May, too late (as it was found by experience) to plant the same, and it's generally concluded, that the seed is spoilt; But the Assembly is now met, when I will strenuously recommend the affair of hemp to their consideration, and to send to Philadelphia and New York to procure seed for that purpose. The said Mr. Hall is obliged by the law to instruct our planters to manure, cultivate and manage hemp till it is fitt for the market (for which he is extreamly well qualified). The law that now subsists in Great Britain, that allows a bounty on the importation of hemp, expires in about six years, I think. If the Parliament will continue the same for a longer term of years, it will mightily encourage our industrious planters to proceed thereon with vigour. When any progress is made in it shall inform your Lordships. *Flax*. Mr. Hall is of oppinion that flax also would do extraordinary well in this country, and if a bounty was given thereon it might much encourage the propagation thereof. *Live Oak*. Here are in great quantities live oak timber trees grown in this Province and in H.M. Province of Georgia, which oak by reason of it's durableness, crookedness of growth suitable to the most difficult timbers, in the building men of war, is superior to any English oak, which is the oppinion of men of good understanding whom I have conversed with, particularly of one Berry who was lately a builder when I was in England (if not now) in H.M. yards at Deptford, who built a ship thereof in this Province. *Cyprus*. We have in this Province a vast quantity of Cyprus timber (almost inexhaustable, which is extraordinary good and durable free from knots, and very proper, as men of understanding do affirm) for decking H.M. men of warr, because of it's durableness and lightness when dry, and men of judgment are of opinion that it would make very good masts for H.M. largest ships, some of them are five foot thick at the bottom, and carry a good thickness all along as farr as eighty foot without limb or knott. There is a great many of those trees that are thirty-six inches and upwards through, and seventy-five feet long; It's true they grow in muddy, watery grounds and are very heavy when cut down green, but being squar'd and put upon logs, a considerable way from the ground, I'm informed will grow very light, and they may easily be brought out of the swamps in flood time, which is generally twice or more in a year. This timber (in my opinion) deserves your consideration. Ther's this great advantage that attends both live oak and cyprus, the former grows upon Continent and islands near the sea, the latter in swamps adjoining to fresh water rivers, so that there will be but very little occasion for land carriage. Yellow pine of moderate size for masts are plenty and esteemed better than white pine of New England. We have not that quantity of white oak in this Province, as they have to the northward, but I am inform'd it is superiour in quallity: for Capt. Austin built a large ship for

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Mr. Wragg about 20 years since, and the Indians' warr obliged them to send to Virginia and Rhode Island for plank, and he informed me that what came from Virginia was better than that that came from Rhode Island, and some that he had cutt here was better than either. *Boards, Plank &c.* I have been informed that the Sweeds and other northern countrys have risen the price of their boards plank &c., to almost double to what they were sixty years since ; but the distance is so great from this to Great Britain and the freight consequently high that wee can't pretend to go thereon, without encouraged by a premium. *Pott and Pearl Ashes.* Here is in this Province a Sweedish gentn. (who as I am informed) has sent for a person that understands the making of pott ash in order to proceed thereon, and there is now in Georgia a person that has fixed his works in order to make pottash, some of which will be speedily sent home to Mr. Oglethorp, who undoubtedly will communicate the same to your Lordships, and if the duty of sd. comody. (as coming from America) be taken off, it will be a great encouragement, for many others to proceed thereon, as also on pearl ashes, which Mr. Hall is of opinion, may be easily made in this Province. *Druggs.* Here is a design in Georgia forming to introduce (if possible) several valuable druggs etc. from Natolia and Syria and other places in the Streights. These two provinces lye pretty near the latitude of this place, for which reason those commodities may probably be produced here. And if the Parliament would grant some encouragement. for the importation thereof into Great Britain it would quicken or forward the design. *Silk* is another commodity which this country doth produce as appears by divers samples that have been sent home and well approved of by men of good understanding in that commodity. Diverse planters here and the Trustees of Georgia have lately propagated a considerable quantity of white mulberry trees, and I hope they'l apply their industry that way, and it would be a great encouragement if the Parliament would take off the duty on importation thereof to Great Britain. The advantage which Great Britain has by experience found by a late Act that gives us liberty to transport our rice directly to Europe to the southward of Cape Finistere so great as may be plainly made appear, and no frauds pretended as I have heard of, that I doubt not but H.M. and Parliament will prolong the same, and if that liberty was extended to the Dutch, French and Spanish Islands and Continent of America, and to the southward of Cape Ushant in France, it would enlarge the trade and I believe an additional advantage to Great Britain. I beg leave to give my opinion that H.M. settlements on this Continent, particularly this Province and the Province of Georgia ought at this time to be encouraged, because I am informed that the French increase very fast at New Orleans, and are extending their limits by building forts, so that H.M. Brittish Empire in America is more than one half surrounded by the French from the mouth of the Missisipy River to the mouth of that of St. Lawrence. I apprehend, if a considerable premium was to be given to the first person that made the first tun of good wine, a less to the 2d, and a less to the



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third it might induce people to plant vineyards, and the like for silk, for being commoditys that require much charge and labour before any profit arises from them, prevents peoples ingaging in it; but this Province is not able to bear the expence. As to your Lordships' Instructions of the 16th of June 1732 relating to laws made, manufactures sett up, and trade carried on here, which may affect the trade, navigation and manufactures of Great Britain, they remain in the same state as when I had the honour to communicate my sentiments last to your Lordships on that subject, only we have a potter set up here who makes coarse potters ware *etc.* Tarr and pitch has hitherto been the staple commoditys of this Province by which many famillys are supported; the great quantitys that have been made, especially when the large premium of £4 p. ton was given, occasions a scarcity of lightwood pine near the rivers, and obliges going still further back, and consequently the more chargeable in proportion to the distance from the landings on the rivers, for this reason together with the large premium of 10s. p. barril on green tarr, or that made from standing trees prepared according to the directions of the Act of Parliament, many people have endeavoured to make it after that manner, but as yet without success, perhaps it may be for want of that skill and knowledge which the Swedes &ca. are masters of, which induces me to be of opinion that the sending over a proper person, or any other way effectually to instruct us in this particular would not only be an encouragement to the inhabitants, but also a great saving of the trees fitt for that use and render perpetual the supplys which this and the neighbouring Provinces might afford to Great Britain. The augmenting the premium on naval stores would be also a further encouragement. Turpentine and rozin this Province is likewise capable of producing large quantitys, probably enough to answer the demands and consumption at home, altho what is made at present is not very considerable, it being not more than ten or twelve years since they first began, and do increase therein every year *etc.* *Continues* :—As to hemp and flax, neither of these have been yet produced in any quantitys so as to render it certain that the country is capable of it, yet it is judged by a very skilfull person, one Mr. Hall, that many parts of the Province is very proper for, and will produce both in great plenty, and by a late Act of Assembly, this gentleman has incouragement to remain here three years, and employ his skill and best endeavours to bring one or both if possible to perfection; of his success therein your Lordships will be duely informed hereafter *etc.* To encourage further these articles a larger premium on the former and some premium on the latter may be needfull, as the great distance hence to Great Britain renders the navigation very chargeable on bulky commoditys. And as to ship timber that excellent sort called live oak equal or rather superior to English oak and fit for standards, knees and circular parts, grows in great plenty on the islands and places near the sea coast; our other oaks I cannot recommend for duration or strength. As to masts, yellow pines of moderate size are plenty and esteemed

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better than the white pines of New England, but as the country is generally low and flatt it will be very difficult and chargeable to gett out such as grow at any distance from the water. Cyprus trees of prodigious size of four foot diameter and 80 or 90 foot high free of knots are plenty and grow near the rivers, but whether they are fitt for masts I can't say, the wood being pretty soft, I fear they may not answer so well for that use, nevertheless they may be very fit for docking and other uses in ship building *etc.* As to the latter part of your Lordships' order, what products are proper for the soyl *etc.* The country has not yet had inhabitants who were inclined or capable of making many trials for new products, which leaves the more room to hope for improvements ; as they found rice, tar and pitch gainful commoditys, very little prospect appear'd of employing their time and labour to more advantage than in those articles, and indeed, considering our situation and the several staple products of the British Colonies, there seems few articles left to fall to our share ; our great hopes has been silk, wines and pot ash, neither of these being yet made to perfection, I mean any quantity and how far we may in time advance in them or other new products can't yet be determin'd. The granting a premium on these or any other articles and procuring proper persons to be sent over to instruct, will no doubt in few years discover what this Province is capable of. I observe Mr. Popple's letter of 3rd. July, 1733, which came to hand with that of the 30th of May, 1734, I am at a loss to know what private act your Lordships mean, not mentioning the said law, nor can I recolect any private law that has been sent in my time, but I shall be very carefull in observing my 25th Instruction as your Lordships direct, for the future. A few days ago I received by Captain Shubrick, Mr. Popple's letter by your Lordships' orders dated the 22nd August last, relating to lands being taken up within the 6 mile line of the township of Purysburgh and the Attorney and Sollicitor General's opinion thereupon. I must beg leave to state the facts as to that matter. As soon as Mr. Pury had marked the tree where he designed the middle of his town to be, I issued a Proclamation prohibiting any person taking up lands within 6 miles of that place, for I desire your Lordships will observe the town and contiguous 6 miles round, where not then survey'd, the season of the year not being proper for surveying ; as soon as it was, Colo. Bull was sent to survey it and found several tracts of lands had been survey'd within the limits of the 6 miles, he reported this to the Council, and withall gave his opinion it would be more advantagious to the township to have what was wanting below the town laid out above where he thought the land was better and they would have a larger extent on the river ; upon this consideration the Council being of opinion they were not strictly confined to the form, but had a discretionary power to do for the best, orderd Colonel Bull to give double the quantity above the town instead of below ; Mr. Purry was then at the town and made no objection as Colo. Bull told me, but afterwards he and the people of Purisburgh altered their sentiments, and he petition'd the Council to have



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it altered, I told him the Council would consider of it, and do the township justice, but he dropt the application and, as it seems by your Lordships' letter, has applyed to H.M.; the township and 6 miles not being run out occasioned these surveys, for it is impossible to judge of distances in the woods, for which reason we have had both the 20,000 acres and 6 miles of the other townships surveyed and marked to prevent mistakes. When H.M. orders come over I shall cause a new survey to be made, and I believe the people of this Province will aquiece in parting with them, there are not many, for as soon as I found the uneasiness it gave the township, I refused signing such grants as I could discover were likely to be within the 6 miles line of the said township, besides since I have found such mistakes have happen'd there is a proviso in all grants that they shall not be within the 6 mile line of any township. As to Mr. Thorpe's barony run out upon Mr. Lowndes' patent, and said to be within the 6 miles line of Purisburgh, Mr. St. John took upon himself to have it surveyed, without any warrant from me. Your Lordships are misinformed as to 8000 acres surveyed for me and in my name within those limits; the case is thus, about the time Colo. Purry had marked the tree where he designed his town, Colo. Bull acquainted me he believed he knew of a good piece of land worth having, and if I pleased he would survey 12,000 acres of it for me upon my patent as others had done; the Surveyer General was not then arrived, I found everybody that had patents had made use of them, and many mesne conveyances derived from them; mine was at one penny p. acre yearly quit rent, by which I thought the King could not be damaged, for it was a much higher rent than I was impowred to grant lands att. Col. Bull surveyed 12,000 acres for me, it so remain'd till the Quit Rent Act was passed, and sent home, after which I was informed H.M. disapproved of that part confirming patents, upon which I resolved not to dispute with H.M. or sett a bad example to others in relation to patents, but swore to my family right, relinquished 4,000 acres of the 12,000 and issued a warrant to resurvey 8,000 acres of it, to hold it at H.M. appointed quit rent, which I was qualified to by the number of souls in my family to take up; but the land jobbers used me in a most unparaled and unjust manner for by contrivance between Mr. St. John his deputy and them, they got upon the land a day before . . . . ., the deputy who had my warrant came there and survey'd the best of it for themselves, without regard to the justness of the survey or the King's Instructions for surveying land, returned their plotts into Mr. St. John's office, which he certified, altho he refused mine which was returned the next day; I appealed to the Council who gave it in my favour, and they orderd him to certify my plott in the usual form, which he likewise refused, and they have applied to H.M. to have the land against the Council's decree, thus am I put upon tryal whether I shall have a foot of land either upon my patent or family right, and those are the people who at the same time represent I have run it upon the 6 miles of Purisburgh,

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but don't think that an objection to having it themselves, being striving for it at this time. As to its being within the 6 mile line of Purysburgh, Col. Bull assures me when he surveyed it, he thought it more than 30 miles from it, but does now apprehend if a survey was made which hitherto has not, he believes 3 or 400 acres of the 8000 may possibly fall within the 6 mile line; I have all along told the people of Purisburgh, if it so happens, they are very welcome to it. This, my Lords, is a true state of the case, and thus am I misrepresented by the land jobbers in everything I do, while they by deceit or fraud endeavour to rob me and others of their rights, and the Legislature of the worthy character they deserve. I must beg leave to inform your Lordships of an affair which perhaps may be represented from Virginia as a hardship done them, the young ungovernable fellows of the Cherokee Indians, but far from being the generality of them, have of late been very insolent, they have threatned sevl. of our traders to take their lives away, if they did not sell their goods cheaper than they can afford, altho prices of all sorts of goods are settled by agreement betwixt them and us, and they actually proceeded so far as to seize a whole store of goods to the value of 4 or £500 this currency; our traders were so allarmed that they durst not go into their towns again and the General Assembly passed a resolution that no trade should be carried there, until they made submission and promised amendment, so the trade was intirely stopped from hence; in the mean time we had an account that some Virginia traders were on the road carrying great quantities of goods, powder and ball, which obliged us to send orders to stop them at the Catawba nation till the Cherokees came down to make their submission, which the Virginians perhaps may think a hardship, but I hope your Lordships will think a prudent act of self preservation, comendable in us not to suffer people to be supplied with arms and ammunition that had given us such cause to believe they designed mischief to the Province. The Virginia traders saw and heard their insolence in their town, and said they would not supply them with more goods till we had brought them to reason, and I must observe to your Lordships that it is the Virginians underselling the traders of this Province that occasions their insolence to us, and would oblige us to sell cheaper than we can afford; could we be free from their attacks wee should readily give up the trade to the Virginians, but nothing keeps an Indian a friend, but finding a benefit by being so, and supplying them with goods; they think so, and as we expected, the stopping of the trade has brought about 60 of them to Charles Town at this time, who have made their submission, acknowledged their fault, and promised restitution, and we shall again open the trade, and suffer the Virginians to proceed immediately, we having no other view in what we did but the preservation of this H.M. Province, and using the properest means to bring those savages to reason. I have proclaimed the five years' Protection Law repealed. And have again, as your Lordships require, issued a Proclamation, prohibiting



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any lands being taken up, within 6 miles of the townships. Mr. Purry is arrived with about 280 souls; I orderd provisions to be ready against their arrival, and I doubt not but the Assembly to whom I recommended it will make good any deficiency that may happen in subsisting them for a year, having already subsisted those that arrived before above a year and 8 months, besides great assistance given to Georgia, and subsisting other new comers from Ireland and other places. I beg your Lordships will be persuaded I have done my utmost to have all the publick Acts sent you; it was the last Sessions that the Assembly examined the Treasurer's accounts, I have made him draw out copys of them, which have now lain five or six months before Mr. St. John to be audited, as I am directed before they are sent home, but not yet finished by him, but he promises they shall soon be done, then they shall be transmitted. I have been so ill above these two months last past that it is with the greatest difficulty I am able to indite this letter, which I hope will induce your Lordships to excuse the imperfections you may observe in it, particularly such matters as appear pretty much alike, which proceeds from being the opinion of different persons. I also send your Lordps. other persons' opinions on some of the same heads, for your better information, and particularly Mr. Hall's observations on the linnen and hemp manufactures. The Assembly have now under their consideration the building a fort on the frontier of the Cherokee nation, for fear the French should do the same and bring over that nation into their interest. *Signed*, Robt. Johnson. *Endorsed*, Recd. 31st Dec., 1734, Read 1st Jan., 1735. 16 pp. *Enclosed*,

380. i. Mr. Hall to Governor Johnson, Charles Town, 8th Nov., 1734. Encloses following in answer to his enquiry. *Signed*, Richd. Hall.  $1\frac{3}{4}$  pp. *Enclosed*,

380. ii. Observation upon the linen and hemp manufactures of Great Britian and methods for encouraging planting of hemp in S. Carolina. *Endorsed as covering letter*. 7 pp. [*C.O.* 5, 363. ff. 195—203 v., 205—208 v.,; and (*copy of first part of covering letter down to* "St. Lawrence," dated Oct. 30, 1734) 5, 636. ff. 45—46].

Nov. 12.  
Boston.

**381.** Mr. Burchett to the Secretaries to the Duke of Newcastle. Encloses following to be laid before the Duke for H.M. information. *Signed*, J. Burchett. *Endorsed*, R. Dec. 10. Without date.  $\frac{3}{4}$  p. *Enclosed*,

381. i. Extract from a letter from Capt Durell of H.M.S. *Scarborough* to Mr. Burchett. I can't omit the dangerous condition of Canso in case of a war, it being so much exposed to the French of Cape Breton, as they have not force sufficient to defend themself against them in case of an attack. *Endorsed*, R. Dec. 10.  $\frac{1}{2}$  p. [*C.O.* 5, 899. ff. 106, 107 v., 108, 109 v.]

Nov. 12.  
Antigua.

**382.** Governor Mathew to Mr. Popple. I have at last received the Minutes of Council for Antigua to the 25th Sept.

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last, and I transmitt them to you enclos'd herewith. *Signed*, William Mathew. *Endorsed*, Recd. 31st Dec., 1734, Read 30th July, 1735. *Holograph*.  $\frac{3}{4}$  p. [C.O. 152, 21. ff. 94, 95 v.]

Nov. 13.  
London.

**383.** Mr. Coope to the Duke of Newcastle. The enclosed I recd. from Govr. Mathews, and having some representations to make upon a Treaty of Neutrality made by the French and Dutch relating to some American Islands in case of a war, I shall wait yr. Grace's commands, before I proceed by memorial or otherwise. *Signed*, R<sup>t</sup>. Coope. 1 p. [C.O. 5, 5. f. 93.]

Nov. 16.  
Whitehall.

**384.** Lord Harrington to the Council of Trade and Plantations. *Encloses following. Concludes*. The King would have your Lordships take this business into your consideration, and report to His Majesty, as soon as possible, your opinion as to what may be proper to be done with regard to these people, in case of their arrival in this kingdom. P.S. I send the same intelligence to the Trustees for the Colony of Georgia. *Signed*, Harrington. *Endorsed*, Recd. 27th Nov., Read 3rd Dec., 1734. 1 p. *Enclosed*,

384. i. Extract from letter from Mr. Walpole, H.M. Ambassador at the Hague. There are fifty familys of Protestant Swizzers come to Rotterdam out of the Canton of Zurich, with a design to go over to England, and to be from thence transported to the English Planatations, and I don't hear that they had any particular invitation or made any agreement with anybody for that voyage, and they are destitute of all subsistance and means, besides their own craft and industry, to get their living, or to carry them forward. I have been spoken to about them, but as I have no orders upon this head, I have absolutely refused to concern myself any ways in this affair. In the meantime, I find, they are at present supported by the charity of the Magistrates, and Burghers of Rotterdam, and as they are determined not to continue here, but by a sort of enthusiasm seem resolved to proceed to the West Indies, and as they have since their arrival very much ingratiated themselves into ye goodwill of this people, I am told that a collection will privately be made for them to enable them to transport themselves into England, with which I thought fit to acquaint your Lordship, that it may be considered what is to be done with them upon their arrival here. *Copy*.  $1\frac{1}{4}$  pp. [C.O. 323, 10. ff. 8, 9, 9 v., 11 v.].

Nov. 19.  
Whitehall.

**385.** Council of Trade and Plantations to Committee of Privy Council. Report upon petition of Mr. Shelton. *Conclude*:— Upon examination, we find the allegations of this petition to be true: and therefore, in regard to the great singularity of this case, and in consideration of Mr. Shelton's services, we are humbly of opinion, that H.M. should be graciously pleased, out of His royal goodness and comparrison to comply with the



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purport of the petitioner's request, either by confirming the grant of the late Lords Proprietors of Carolina, or by making a new grant to Mr. Shelton, his heirs *etc.* of ye same quantity of land, either in one plot or in parcels as he shall think proper at ye same rent and under ye same conditions, with that already made to him, by ye late Lords Proprietors. [*C.O.* 5, 401. *pp.* 114, 115].

Nov. 19.  
Boston.

**386.** Mr. Wm. Shirley to the Duke of Newcastle. *Abstract.* Acknowledges his Grace's goodness in remembering him on the occasion of the vacancy of Collectorship of Rhode Island, *refers* to the salary recently granted to Mr. Bradley, Attorney General of New York. His appointment as Advocate General of New Hampshire and Rhode Island involves him in more business and more service, and has matters of greater "difficulty and consequence attending his post" than all the Attorney Generals on the Continent of America. Yet the profits arising therefrom "don't exceed fifteen pounds sterl. per annum." He therefore begs to have his "services consider'd in the same way, that Mr. Bradley's are." *Refers* to Governor Belcher's letter in his favour and states that since he is the only Advocate General in America, there would be no fear of other applications of the like kind should his request be granted. As Officer of the Crown in the Admiralty Court, he receives "a Common Advocate's fee, wch. is in the whole no more yn. eighteen shillings New England currency, now not worth four shillings sterl." *Details. Concludes:* —I should have added yt. the business of the King's woods is peculiar to my commission, no other person in my station going thro' any of that service. *Signed,* Wm. Shirley. *Endorsed,* R. March 12. 3½ *pp.* [*C.O.* 5, 899. *ff.* 110—111 v.]

Nov. 20.  
Albro'hatch.

**387.** Col. Bladen to Mr. Popple. About a fortnight since I dined with Sir Charles Wager. Sir George Saunders and Sir Jacob Ackworth were there. Our discourse turned very much upon the destruction of the woods, and the lawless behaviour of Massachusetts Bay. They promised to send me such papers and materials as lay'd in their offices relative to this complaint, and desired I would move the Board of Trade to reform the consideration of them to our Council learned in the law, to prepare some clause or clauses against the next session of Parliament to cure so pernicious an evil, *etc.* *Encloses* following, received yesterday, to be laid before the Board, *etc.* *Signed,* M. Bladen. *Endorsed,* Recd. 20th, Read 21st Nov., 1734. 3 *pp.* *Enclosed,*

387. i. Extracts from letters from Col. Dunbar to Mr. Scrope, 8th May, 1734, "Exeter Town. I have often complained against them, they have no timber themselves, but steal from neighbouring towns and haul the logs to their own mills. Logs seized and for which decrees have been had have been saw'd into boards, planks and joyst, and though many journeys have been taken into the woods by me, my deputies and hired people, the offenders could not be found, and where surprized,

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they have refused to tell their names, and been very insolent. From this town 3,000,000 feet of white boards have been ship't in one season, which must destroy at least 8,000 trees. At this time they have 383,000 feet condemned by decree, which has cost me a considerable sum, and for which I have no fund" *etc.* Would have sued any concerned in the riot at Exeter, if they could have been found, and gave orders to stop all vessels laden with boards at the places where those condemned lay, but Mr. Shirley, the Advocate General advised him that this could not be justified *etc.* *Proposes* new act *etc.* *Describes* trial of the Contractor's workmen for cutting masts on lands not pretended to be private property

387. ii. Mr. Atkinson to Col. Dunbar, June 22, 1734. *Describes* the trial.

387. iii. Col. Dunbar to the Navy Board, Aug. 14, 1734. *Proposes* new act, *etc.*

387. iv. Copies of 10 depositions relating to the riot at Exeter.

387. v. Copy, Minute of Council, April 26, 1734.

387. vi. Two depositions relating to the riot at Exeter, April 26 and June 19, 1734.

387. vii. Extracts from Acts of Parliament for the preservation of mast trees. *The whole*, 20½ pp. [C.O. 5, 876. ff. 78, 78 v., 80—90, 91, 91 v.]

Nov. 20.  
Whitehall.

**388.** Lord Harrington to the Council of Trade and Plantations. Having now received from Mr. Titley a copy of the contract made between France and the Danish West India Company, for the sale of the Island of Sta. Cruz, I send you one herewith for your information of the terms on which that purchase was made; I likewise add a copy of the Specification of the acts and titles, relating to that Island, which the French put into the hands of the Danes upon the signing of that contract; and also an extract of what Mr. Titley lately writ to me upon that subject, that your Lordships may have these pieces in your hands when you consider further of H.M. title to that Island, upon the returns you expect to the letters which by yours to me of the 12th of September, I find you intended to write to the Governors of Barbadoes and the Leward Islands upon this new settlement of the Danes in those parts. *Signed*, Harrington. *Endorsed*, Recd. 20th Nov., 1734, Read 27th March, 1735. 1½ pp. *Enclosed*,

388. i. Extract from letter from Mr. Titley to Lord Harrington. Copenhagen. 6th Nov., 1734 [N.S.]. I have talked with the Ministers in an amicable way, and expostulated with them for purchasing a title to which they could not be ignorant, or at least might have known, that England laid claim. They say, that as the French had possess'd that island undisturbed for a course of 40 or 50 years, and during that time had disposed of it as their own property, sold it, and repurchased it, without



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control; and as no mention was made of it in the treaty of Utrecht, when St. Christophers, which generally goes along with it in the French acts, was yielded to the English, they thought the property of Sta. Cruz remain'd entirely to France and that we made no pretention to it. They hope, since we let the French possess it so long in quiet, that we will not begin to assert our claim now that possession is transferred to Denmark. The King, they say, is particularly concerned for a considerable sum in the subscription, tho H.M. had no other part in the purchase than to permit it, and ratify the Treaty at the Company's request. The Royal Family and most of the Council are likewise interested; and tho' France is to protect them, or to return their purchase money (one half of which is paid), yet the other expences they have been at already cannot but affect them, if we should oppose their settlement. They flatter therefore that our Court will not give them such a sensible disgust immediately after the happy renewal of a good intelligence and friendship, wch. they are desirous to cultivate.

388. ii. List of French acts and titles relating to Sta. Cruz. (a) Edict confirming grants of several islands, including Sta. Cruz, to the Compagnie de l'Amérique, 1642. (b) Deed of Sale by the Compagnie of St. Christophers and Sta. Cruz, etc. to M. le. Bailli de Souvray, 1651. (c) Letters Patent ratifying said sale, 1653. (d) Edict of 1664 for establishing the Compagnie des Indes Occidentales. (e) Original deed of acquisition by said Company of St. Christopher, Sta. Cruz etc. (f) Original documents relating to the taking possession by the said Company, 3rd Dec., 1665—Jan. 27, 1666. (g) Printed Edict of Dec. 1674 abolishing the said Company and resuming the said Islands to the French Crown. *Endorsed as preceding. French copy.* 2 $\frac{3}{4}$  pp. [C.O. 152, 21. ff. 17—20 v., 22 v.].
388. iii. Deed of Sale of Sta. Cruz to the Danish Company of the West Indies by the French. Copenhagen. 15th June, 1733., and Frederick Holmsted, for 750,000 *livres*. The French King undertakes to give all possible assistance to the Danish Company in maintaining it in possession of the said Island, etc. *Signed*, Le Comte de Plelo, Ambassador and Plenipotentiary. *Same endorsement. French. Copy.* 7 pp. [C.O. 152, 21. ff. 17—20 v., 21 v., 22 v., 24—27 v.]

Nov. 20.  
Wmsburgh.

**389.** Lt. Governor Gooch to the Council of Trade and Plantations. The General Court falling out so immediately after the last Session of Assembly, together with my ill state of health, of which I am but lately recovered, have delayed much longer than I could have wished, my sending your Lordships the Journals and Acts of that Session and the Council Journals: I now gladly embrace this conveyance by the ship *Antelope* which gives me the

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honour of laying them before your Lordships with my observations thereon, hoping the proceedings of this Assembly will be no less agreeable to your Lordships, than they are satisfactory to me. The general Bills under their consideration which passed into Acts, and now accompany this letter, are as follow. No. 1 is an Act *for continuing and further Amending the Act for improving the staple of tobacco, and preventing frauds in H.M. Customs.* The Preamble of this Act fully declares the advantages the people and trade have already experienced by the Act made in 1730, for subjecting all tobacco to a public inspection : but as no regulation can be so perfect as to obviate all abuses, or remove all inconveniences at once, the Assembly have, by discontinuing some, and removing other of the warehouses, by lessening the rents and sallarys of the Inspectors in proportion to their trouble, considerably reduced the public charge, and established such other rules for the conduct of those officers as must very much improve the staple, and be of singular advantage to the dispatch of the ships. And lest there should be any Inspectors so negligent or unrighteous as to transgress such plain directions as are there laid down, this Act inflicts suitable penaltys for the breach of their duty. And because it has been found by experience that great quantitys of unmerchantable tobacco, which would not pass an inspection here have been carried into Maryland and North Carolina and there sold at a low price, very often to the deceiving of honest purchasers, and always to the injury of the trade in general, care is now taken as farr as can be to detect and prevent that clandestine trade. And for the further prevention of the pernicious practice of selling trash tobacco to sailors made up in small bundles and intended to be runn in Great Britain, the powers granted by this Act for searching and seizing all such kind of trash, and the penaltys on the persons in whose custody such packages are found, together with the speedy method of recovering the same, will, no doubt, effectually discourage that sort of commerce. I have only to add, that the regulation under which the tobacco trade, in Virginia, hath been for these three years past, has given such satisfaction to the people here, and is so well approved by almost all the purchasers and Masters of ships, that this Assembly hath continued it for four years longer, and, I doubt not, the benefits arising to everyone concerned in this trade, to this country, will daily become more visible. No. 2 is an Act for continuing the duty on liquors, in which there is nothing new except one clause calculated for the ease of the merchants who may have occasion to transport their liquors from the district where it was first entered and paid the duty, to some other place in the Colony : and is only to allow the importer to do that before a Justice of Peace, which the former Act directed to be done before the Collector of that duty ; and that the certificate of the Justice shall exempt the owners of such liquors from being questioned concerning the payment of the duty, in the district to which the same is to be transported ; and is chiefly designed for the ease of persons who live very remote from the Collectors of that duty, who may



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thereby lose some fees, for their value not worth mentioning, but will no ways affect the Collectors of the Customs here, who have no concern with that duty. No. 3, is an Act continuing the duty on slaves to be paid by the buyers, which is only prolonging the duty of five p. cent ad valorem on all slaves imported and sold here, with the same drawback and allowances on exportation as were directed by the former Act of Assembly made in 1732. And both this duty and that on liquors are designed for defraying the public charge of the Colony, and for lessening the common Poll-tax, an expedient which has been often recommended and put in practice, and is agreeable to the Roial Instruction. No. 4, is an Act *for further continuing an Act for making more effectual provision against insurrections and invasions.* This Act was first made in 1727, and was afterwards continued in 1732 to the 30th of March next, and is now to be in force three years longer : as there is nothing in it different from the first, which has been submitted to your Lordships, and no objections made to it, I believe I need not trouble your Lordships with any other remarks than those made when this Bill was first sent Home. No. 5, is an Act *to make void certain contracts for the paying excessive usury, and for the discouragement of the unrighteous practice of taking more than the lawful interest, and reducing the rate of interest.* As nothing can be more just than to discourage such unchristian methods as the taking advantage of men's necessities for exacting exorbitant interest ; so reducing the same conformable to the example of our Mother Country, I hope will not be judged unbecoming the care of this Assembly. And seeing there is nothing in this Bill but what tends to these two ends, I doubt not, it will receive your Lordships' countenance. No. 6, is an Act *for amending the Act, entitled an Act for settling the tithes and bounds of land, and preventing unlawful shooting and ranging thereupon.* This Bill was framed for remedying some defects, and explaining certain ambiguities in the Act mentioned in the title, passed in the year 1705. Such as the making valid, dues and conveyances bona fide made, tho' not acknowledged and recorded within the time limited in the said former Act ; when by that Act all such conveyances, tho' made upon good consideration, were for that only defect of not being recorded made void, even between the partys themselves. Another inconveniency, and a very great one created by that Act of Assembly was, that no estates tail could be dockt any otherwise than by Act of Assembly, which being attended with some difficulty, and no small charge, made it impracticable for poor people to undergo the expence, contenting themselves rather to live miserable upon a mean portion of land left them by their ancestors under the clogg of an entail, than to seek relief at the expence of almost the value of the land. And as this misfortune has been observed to fall most severely on the descendants of the first planters and inhabitants of this Colony, it was high time to provide a remedy for these lands having been long occupied and frequently divided, according to a prevailing custom, amongst many children, it could not otherwise happen but the land

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must be impoverished, and in consequence, the possessors of it ; whereas if they had been at liberty to dispose of it to others to whom it lay convenient, they might have been enabled to take up a larger quantity of fresh land, and to purchase slaves, to their great benefit, as well as the improvement of the country. This Act therefore enables all persons seized in fee tail of any lands not exceeding the value of two hundred pounds ster. and so found by a jury of inquest, to pass the fee simple thereof to any purchaser for a valueable consideration, by deed executed and acknowledged or proved in the General Court here. And upon this clause, more especially, I am desired by the Assembly very earnestly, to address your Lordships to obtain H.M. approbation of this Act, because people will be unwilling to make such purchases, without that security for their peaceful enjoyment, which they can't depend upon whilst the Law continues liable to be repealed. And as there are many poor people now in possession of such inconsiderable parcels of entailed lands, which are of little or no use to them, it will be a charitable relief to them, if H.M. shall be pleased by his speedy allowance of this Law to give them an opportunity of providing for their children, by taking up and removing to new lands, where their labour may be more profitable to themselves and to the Public. There are several other clauses in this Act, such as directing all mortgages and other deeds and settlements which affect lands, negroes or chattels to be publicly registered, or otherwise to be void as to subsequent purchasers or creditors. ; taking acknowledgements of Feme covert in passing of their estates, by commission in the county, when they are not able to attend proper courts for that purpose ; and the enlarging the time for the prosecution of real actions and prescribing the methods of proceeding therein ; all which, I am assured by gentlemen that understand these matters, are as conformable to the Laws of England, as the circumstances of this country will admit, so that I hope your Lordships will find nothing in it to hinder your favourable report of it to H.M., as a Law deserving his Roial confirmation. No. 7, is an act *for better regulating the tryal of criminals for capital offences*. This Act was chiefly calculated for settling the method of proceeding in the Courts of Oyer and Terminer held by virtue of H.M. Instruction : for when this Court was first established, it was thought the method of proceedings in the Supream Court, as to the summoning of Grand and Petty Jurys for the tryal of offenders, was a proper pattern to be followed in this Court, and so bills of indictment were found by a Grand Jury out of the countys adjacent to Williamsburgh, our Capital City, and only a venire of six men summoned from the County where the fact was committed, and the rest made up of by-standers : But as objections and exceptions have lately been made and taken to this method of tryal, and it was easily discovered to be wrong, therefore for removing them, and settling an uniform manner of proceeding in criminal cases, a rule is laid down by this present Act for having a petty jury of twelve men summoned from the County where the offence was committed,



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as well on tryals in the General Court, as in the Courts of Oyer and Terminer, it being more in favour of the Prisoner, and more conformable to the Laws of England. Directions are also herein given from whence the Grand Jury in the Courts of Oyer and Terminer shall be summoned, so that the proceedings in these Courts are now so well established, as to prevent any legal objection thereto for the future. There is indeed one clause which the Council took great pains in opposing, and that is, obliging the Attorney General to shew cause if he challenges any of the twelve jurors returned upon the pannel from the proper county; But the Burgesses would by no means part with it, alledging it was in favour of the Subject, where the Jury consisting of so small a number, it might happen, if the Attorney General were left at large to challenge without shewing cause, he might deprive the prisoner of having any one of the vicinage upon his tryal. And both sides knowing that without this Bill a stop must be put to all tryals in the Courts of Oyer and Terminer, the Council thought it more adviceable to agree to this clause, than obstruct the public justice. No. 8 is an Act *for allowing Indians to be witnesses in criminal offences committed by Indians*. The necessity of such a law is very apparent from the nature of Indians, and the manner of their prosecuting their revenge, which is always in the most secret manner, and impossible to be detected but by their accomplices or such of their nation as they think fitt to discover it to: of this we have a late instance in the case of an Englishman privately murdered by one of our Tributary Indians, whose body was afterwards found in a mill-pond, which had never been found out, had not the brother of the murderer, who was employed to conceal the body, discovered it. And tho' the offender at his tryal, in October last, denied the fact, yet since condemnation he has confessed the whole matter. I mention this case more particularly because as it gave birth to the Act now under consideration, it will serve to justifie the expediency of introducing this manner of proof, where it is impossible to have any other. No. 9, is an Act *for the more effectual obliging persons to buy and sell by weights and measures according to the English standard*. The title sufficiently expresses the honest intent of the legislature in discouraging all fraudulent practices, as well among the people of the country, as those who come hither to trade, and 'tis to be hoped will have its designed effect. No. 10, is an Act *for better regulating and collecting certain officers' Fees, and other purposes therein mentioned*. This is a temporary Act to continue only for two years, and is intended to give a sufficient recompense to the Clerks of Courts and other officers for their services, to prevent exactions, and is almost the same as that passed the former Sessions. No. 11, is an Act *for the better direction of officers in the sale of goods or other things taken in execution or distrained for rent*. By this Act the severity of a former Law passed in 1727 in relation to the sale of goods taken in execution is greatly mitigated, and the debtor upon giving security, is restored to his goods, and a year's time allowed him to discharge the debt,

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paying only common interest ; and if he is not able to give such security, the officer has a power to sell them upon credit, unless there be three-fourths of the real value, at least, offered to be paid down for the purchase : in both which cases the Debtor will be much benefited, and the Creditor no injury done him, his Debt being better secured, and his interest running on till payment. In fine, it is a very compassionate charitable Law, and I hope your Lordships will esteem it as such. No. 12, is an *Act to lessen the penalty for killing deer at improper seasons, and for the better recovery thereof*. By a former Act the penalty for killing deer between the first of January and last of August was five hundredweight of tobacco recoverable in any Court of Record : but it being found by experience that few of these penaltys were ever sued for, because of the expence of prosecution, this Act hath reduced that penalty to fifteen shillings for every deer so killed, recoverable before any Justice of the Peace, which it is judged will more effectually answer the end by the easiness of the recovery, and the penalty being better proportioned to the nature of the offence. No. 13, is an *Act to amend the Laws now in force for the more speedy recovery of small debts*. This is only an explanation of two former Acts made for the easy recovery of small debts, and for obviating the undue practices which have been sett on foot to elude the true intent of those former Laws, which prohibit the bringing of suits for anything under the value of Five Pounds, and that all such should be determined in a summary way, upon a Petition, by the Justices in the County Courts, the very first Court the complaint is brought before them. Which method of proceeding is now also extended to the recovery of goods detained, as well as to debt, and will be a great ease to the subject. No. 14, is an Act for better regulating ordinary keepers and retailers of strong liquors, and to prevent their giving credit ; and to disable them to maintain any action, or recover any money, tobacco or other commodity for such liquors sold upon credit. The design of this Act is to prevent the ruin of artificers and other labouring people, who, by getting an unlimited credit at these public houses and ordinarys, spend their time and money to the undoing of their familys. But a stop will now be putt to that great mischief, for no credit, by this Act, is to be given any man in any public house exceeding twenty shillings in one year. No. 15 is an Act for the better support and encouragement of the College of William and Mary in Virginia. The President and Masters of the College having represented the great decrease of its revenues, particularly by that branch of it arising from the Penny per Pound on all tobacco exported to the British Plantations, pursuant to the Act of Parliament made in the 25th year of King Charles the 2d., and in another duty on skinns and furrs granted to the College by an Act of Assembly : principally occasioned by the great frauds of the exporters of tobacco clandestinely packing the same in unusual casks and entering them out as Beef or pork or other commoditys, by which means fair traders have been discouraged from exporting the tobacco and paying the duty, whilst the



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markets in the West Indies are filled with that which pays none at all. For preventing this illegal trade, this Act prohibits any goods whatever to be shipt off to the Plantations, until oath be made by the owner before a Justice of the Peace to the contents of each package, and if any tobacco, to the true weight of it; and a certificate from such Justice must be produced to the naval officer and Collector of the Customs at the time of clearing. The masters of vessels are also to make oath to the quantity of tobacco on board, and if there be none, he is to make oath he will take none on board after clearing without entring of it and paying the duty; and a copy of that oath is to be sent by the naval officer to the Collector of the Customs of that Port to which the ship is bound. By this means it is to be hoped, not only the frauds in exporting tobacco from hence without being cleared by the customhouse officers, which has been practiced more particularly by the New England traders, and by them sold to the French fishing vessels at Cape Breton, will in a great measure be prevented, but that branch of the College revenue will be restored to its antient value. And lest this necessary provision for the regular payment of that duty, should give umbrage to the Commissioners of the Customs, as though the Assembly have designed to interfere in a matter under their management, there is an express Proviso to save all the Powers, Priviledges and Allowances of the officers appointed by the Commissioners pursuant to the Act of Parliament. For obviating another fraud lately practiced in this duty, by carrying Virginia tobacco into North Carolina, and shipping it off there secretly without paying the duty in either place, a Penalty is laid by this Act on the owner of the value of all such tobacco as shall be so carried: and this will appear the more reasonable, when it is considered, that the people of Carolina make tobacco sufficient for their own use, and to export; so that whatever is carried into that Province must be with a fraudulent design to avoid the payment of the penny per pound, for otherwise it would be worth no man's while to transport tobacco thither, when he may have more frequent opportunitys, with less charge and trouble of shipping it in Virginia, to any Port in the British Plantations. The other clause in this Act relates to securing the dutys on skinns and furs, for which the like provision is made, as that for the Penny per Pound. There is also added, an appropriation, from and after the 25th of October, 1735, of the whole produce of the Penny per Gallon on imported liquors, raised by an Act of Assembly made in 1726 and confirmed by H.M.; this Duty is to continue twenty one years from the time of its being first laid, and is now appropriated to the support of the College, out of which the College had before only £200 p. annu. (the amount whereof may be double that sum) and since this is to supply their real wants, to enable them to purchase Books for a Library, and other necessary uses, and as it will be a very great encouragement to that Roial Foundation, I am earnestly desired to bespeak your Lordships' favour to it for H.M. Roial assent. No. 16, is an Act appointing a Treasurer and other

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purposes therein mentioned. Upon which I have only to inform your Lordships that the late Treasurer, since dead, being by age and infirmities rendered incapable of executing that office, and withal falling short in his payments, Sr. John Randolph, who succeeded him as Speaker, is appointed Treasurer of the several dutys arising on liquors and slaves, with power to use proper means for recovering the Debt due from his predecessor, of which there is no reason to doubt. There is also in this Act a Power for the Treasurer to take up money on Interest for discharging the public debts, until the funds for that purpose shall be sufficient to reimburse them. No. 17 is an Act for raising a public levy and for other purposes mentioned therein. By this Act it appears that the Poll-tax for Defraying the charges of the Government for these two years past amount only to eight Pounds of Tobacco a Taxable : so much has the duty on liquor and slaves eased the country of a Burden which would otherwise have been very heavy, especially on the poor People. The other part of the Act relates to the disposing of the printed Books of the Laws delivered out to the several Justices of the Peace at the public charge, and are now upon the Death or Removal of the present Justices, to be given to their successors. No. 18 is an Act for appointing several new Ferrys, and lessening the former rates settled for the ferriage of wheel carriages, and altering several Court Days. I need not trouble your Lordships with any other remarks on this Act than that the conveniency of the people required the Erection of the Ferrys, and the same regard for their ease, made it necessary to change the Days for holding Courts in the three Countys therein mentioned. No. 19 is an Act for declaring the Glebe of Elizabeth City Parish lately purchased to be a sufficient Glebe, directing the sale of several Glebes and for other purposes. The encrease of inhabitants and consequently the extending their settlements by new Plantations, having occasioned the changing the situation of their churches, hath also made it necessary to provide for the ease of the Ministers by purchasing new Glebes more convenient to the Churches ; and the old ones being thereby rendered useless, there can be no exception against the sale of them, and applying the purchase money to the relief of the people of those Parishes, which is the whole purport of this Act, and is therefore a reasonable and necessary Law. No. 20 is an Act for dividing the Parish of Henrico, for uniting and dividing the Parishes of Warwicksqueak and Newport in the Isle of Wight County. The three Parishes mentioned in this Act were among the first erected Parishes in this Colony, whose inhabitants at that time seated on or near the banks of James River : but by new settlements back into the woods were now become of such an extent, in length sixty miles, and in breadth six or seven, that it was impracticable for the Ministers to perform their Duty, and very inconvenient for the people to attend the public worship ; so that it was high time to provide a remedy by the division now made, which effectually relieves both the people and Ministers. No. 21 is an Act for destroying crows and squirrils in the Northern neck and



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on the Eastern shore. This Act is found on the Petition of the Inhabitants of these territorys, who it seems are more infested with those kind of vermin than the rest of the Colony, and have therefore by their own consent submitted to a charge of killing a number for each taxable person, or paying a small penalty for their omission, and being only to continue for three years, there is nothing that is justly exceptionable in it. No. 22 is an Act to oblige the Justices of James City and York Countys to levy Tobacco for certain officers of the City of Williamsburgh. The intent of this Act is only to oblige these Countys, in which the City of Williamsburgh lies, to defray the charge of securing and committing criminals, taken in the said City, for felony and other capitol offences committed in the said Countys respectively; which would be a much greater charge if sent to the proper gaols of those Countys, and is therefore a reasonable Law. No. 23 is an Act for the Relief of such Persons as have suffered or may suffer by the loss of the Records of Nansemond County, lately consumed by fire. This Act needs little to be said in its justification, being a prudent and necessary relief to such persons whose Deeds and Titles to their Lands and other evidences have been destroyed by the burning of the Clerk's House in that County, where the Records hap'ned to be lodged. No. 24 is an Act for dividing Spotsylvania County. This being one of the Frontier Countys erected in 1720, to which his late Majesty was pleased to give encouragement by a Remission of Rights and Quitrents, is since so encreased that the inhabitants are gott upon and even beyond the great Ridge of Mountains, and as they are thus grown to so great an extent, and new settlements daily multiplying to the Westward, the ease of the People, in attending their County Courts and Musters, required the division directed by this Act, to which I shall only add, that in Honour to the Prince and Princess of Orange, the new erected County is named the County of Orange. No. 25 is an Act for the better enabling the Executors of the last will and testament of Charles Burgess, gentleman, decd. to pay his Debts and Legacies. As the Title and Body of the Bill express an honest intent for the payment of just debts, there is the less reason for my using any arguments to recommend it to your Lordships' favour; especially when I inform your Lordships the testator's debts were chiefly contracted for the purchase of those lands, which are intended to be sold to discharge them. And since lands are by the late Act of Parliament made liable to the payment of debts, and would be devested out of the Heir by his creditors, it is more equitable to allow the Executors to sell, than to allow the creditors to sue. But that there may be no objection to it, the usual saving clause, of the right of H.M., and all other persons is added, pursuant to the Roial Instruction. Three Bills for Settling Estates. No. 26, an Act to vest part of the Estate of Robert Carter, Esqr. decd. devised to Robert Carter the younger, who died in the lifetime of his father, in Robert Carter the Son and Heir of Robert Carter the younger, and to make provision for Priscilla Carter, the widow of the said

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Robt. Carter the younger, and Elizabeth Carter his daughter. No. 27, an Act to vest certain entailed lands with the appurtenances therein mentioned in Charles Tompkins, gentm. in Fee simple, and for settling other lands of greater value to the same uses. No. 28, an Act for Docking the Entail of certain lands in the County of Gloucester and Elizabeth City, and vesting the same in Henry Willis, gentm., in Fee simple; and for settling other lands and tenements, and several slaves to the same uses. Which three Bills are to be laid before H.M. for his Roial Approbation; and as the intent of the first is to comply with the mind and design of the late President Carter, tho' he did not live to insert it in his will, and to do justice to a widow and orphans, so the two last have passed with the consent of all partys interested in the entailed lands mentioned in them, and due publication hath been made pursuant to H.M. Instruction, as will appear by the Certificates sent. No. 29, an Act to enable the Nottoway Indians to sell certain lands therein mentioned, and for discharging the Indian Interpreters. This Act passed upon the petition of the Nottoway Nation in order to discharge their debts, and to make provision for the maintenance of their old people. When the lands mentioned in this Act were first granted them they were then a numerous Nation, but are since greatly decreased, so that one of the tracts assigned them is now sufficient for their support. And the other Indian Nation, the Sapponies, on that frontier being lately removed out of this Government, the interpreters appointed for them, and paid at the public charge are therefore dropt as unnecessary, which is the whole purport of this Bill. No. 30 an Act to prevent the Building Wooden Chimneys in the towns of York and Gloucester, and for putting down such as are already built: and to restrain Hogs and Goats from going at large in the town of York. In this Act there needs no remarks, the title of it sufficiently expressing the contents of it. No. 31 is an Act for Dividing the County of Prince George, and Parish of Bristol, and for adding part of the County of Brunswick to the new erected County. This Act is formed on the same reason as the others for dividing Frontier Countys and Parishes, i.e. their large extent by many new settlements and the necessity of providing for the conveniency and ease of the people; and will be in the course of a few years the occasion of erecting many other Countys and Parishes as the Colony encreases and the people find their interest in seating and improving part of that vast tract of land which lyeth now uncultivated on the western side of the great mountains. This new County now erected is called Amelia, in honour of the Princess. Thus I have given your Lordships a summary of the several Laws passed this last Session of Assembly, and as, I humbly presume, neither of them contain anything repugnant to H.M. Instructions, not interfering with the interest of Great Britain, I may hope they will meet with your Lordships' favourable recommendation to H.M., particular those which require his Roial Approbation to render them effectual. In the Journal of the third of October your Lordships will find a congratulatory



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address of the Council and Burgesses to H.M. on the marriage of the Princess Roial, which your Lordships should have had a copy of when it was sent Home, had not a very severe fitt of illness, which I was then seized with, prevented me. It is with the greatest pleasure I flatter myself your Lordships will see by these Journals the perfect harmony and good understanding with which the public affairs have been carried on during this session : and tho' my intention is, in convenient time, to dissolve this Assembly, which has now continued for above seven years, I doubt not, the people are so well satisfied with what has been done and transacted in that time, that most of the old members will be returned, or others equally well disposed in their room, *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 1st May, Read 13th Aug., 1735. 19 pp. *Enclosed*,

389. i. Account of H.M. Revenue of 2s. per hhd., 25th April—25th Oct., 1734. *Totals* :—*Receipts* (including balance £6165 11s. 6½d.) £9822 12s. 3½d. *Expenditure*, £2664 19s. 6¾d. *Audited by* John Blair, D. Audr. *Signed and sworn to by*, John Grymes, Receiver General. *Endorsed*, Recd. 1st May. 2 pp.

389. ii—vi. Five Certificates that public notice has been given of intention to apply to the Assembly for two private acts relating to entails by Robert Berrnard, Anne Freeman, Elizabeth Shackelford. *Endorsed*, Recd. 1st May, 1735. 8 pp. [*C.O.* 5, 1323. ff. 149—159 v., 160 v.—164, 165, 166 v.].

[Nov. 21.]

**390.** Mr. Ochs to the Council of Trade and Plantations. *Refers to* former petition for settling a new Colony beyond the mountains of Virginy. The Board reported favourably thereupon, but the Lords Baltimore and Fairfax and Messrs. Pen opposed this project, as having a claim to the land, although it can be undeniably proved by their own Charters, maps, *etc.*, that it lies far beyond their west limits *etc.* Yet their Lordships were pleased to put a stop to this business, until the said proprietors should have regulated their limits, which they went accordingly to perform in person. Petitioner did not intend to make any further solicitations, but being every year troubled with these poor strangers that came over, to provide them passage, and take care of them, which he hath now done these two years with much loss of time, assisting them in all honesty, integrity, good advice and expence, having sent last year 57 persons att their request to Pensilvania, and this year in 2 shippes 49 persons to S. Carolina, induces him to offer his service once more, that these people may not only be taken care of for their passages, but also to settle them together *etc.* If the Board is inclined to promote a colony behind the mountains, petitioner therefore offers to perform it with the utmost care and assiduity, he having been there 25 years labouring to find out the best methods to make a Colony flourishing *etc.* But having been informed that there has been taken up already about 300,000 akres behind these mountains, the new-comers will be obliged to settle in

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remote parts, to their great inconveniency. If their Lordships are rather inclined to assign land up to the mountains in Virginy and going southwards into North Carolina along the sayd mountains for about 150 miles in length and 50 in breadth, he offers to settle them there. The chief reason he chooses near the mountains, is that it will be most agreeable to the constitutions of the Swissers. But as they are about 200 miles from the sea, it will be very chargeable and difficult to bring the people and goods there *etc.* Signed, John Ochs. Endorsed, Recd., Read 21st Nov. 1734. 1 $\frac{1}{2}$  pp. [C.O. 5, 1323. ff. 112, 112 v., 117 v.].

Nov. 22.

**391.** Memorial of the Governor and Company of Merchants trading to the South Seas *etc.* to the Council of Trade and Plantations. Objections to Governor Cunningham's Memorial for permission to lay a duty on negroes imported and exported at Jamaica. *Abstract.* The Company think it not reasonable that the trade of Great Britain should be burthened with taxes to ease the weight thereof on a Colony. The Company ought to be considered as a Corporation carrying on a trade under a national contract by most persons agreed to be greatly for the advantage of Great Britain, and therefore to have all possible encouragement, and more particularly from Jamaica to which they are so many ways beneficial, by provisions bought and money spent there *etc.*, and the great increase of negroes brought thither by means of the Assiento trade, out of which the planters may furnish themselves at a cheaper rate and the country duties raise greater sums on the negroes left on the islands than they would otherwise do. "For as to the common objection that the Company pick the negroes brought to Jamaica and leave only the refuse negroes for the planters, it is well known that the Spaniards are so nice as to size, colour and want of perfection that they will reject a negroe for want of a tooth or a nail or for having a yellow cast, none of which render him worse for the Jamaica planters, but on the contrary the Company's refusing such negroes leave a greater plenty and at a lower rate for the planters. And as to the usual argument that the Company making use of the island, ought to contribute to its support *etc.*, it ought to be considered that they are not owners of any lands in the island, nor are they in the case of merchants sending cargoes thither for a market *etc.*, and therefore as they can receive no particular benefit by the preserving the property there they ought not to be taxed for that purpose" *etc.* *Continue* :—There seems no more reason to tax the negroes bought for the use of the Assiento than there would be to make a passenger in an inn at a thoroughfare town contribute to the parish rates, *etc.* The exigencies of the island have constantly been the pretence for laying this duty. Though the Governor asks for a small duty, yet it allows those duties to be the principal branch of supply. This application is merely a repetition of what has been for several years attempted, and decided in the Company's favour *etc.* When the Company fixed upon Jamaica as the place from which to carry on the Assiento trade, they were



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induced thereto from some promises made them that no hardships whatsoever should be put on them, but all the favour imaginable allowed them. The Company on finding themselves treated in a quite contrary manner will be obliged to remove their trade to some other of H.M. Colonys, where the same may be at least to equal advantage carryed on and where they have reason to expect they shall meet with no such impositions. *Signed*, By Order of the Court of Directors, W. Smith, Secry. *Endorsed*, Recd., Read Nov. 26th, 1734. 3 pp. *Enclosed*,

391. i. Abstract of proceedings, 1717—1734, in relation to duties on negroes in Jamaica. 7 pp. [C.O. 137, 21. ff. 112—113, 114—117 v.].

Nov. 23.  
Barbados.

**392.** Governor Lord Howe to the Council of Trade and Plantations. I have the honour to inclose to your Lordships duplicates of my last packett. Upon looking into some of the old Council books I found some of the former Governors' Commissions, in which I see there is a clause that no laws pass'd by them shou'd be in force longer than two years unless confirm'd within that time. One of the laws which I represented to your Lordships as necessary to be repeal'd for the benefit of the trade here, intitl'd, *An Act to prevent the inconveniencys upon the inhabitants of this Island by forestallers, ingrossers and regrators*, dated Novr. 29, 1676, was pass'd when Sr. Jonathan Atkins was Governor, who had the above-mentioned clause in his commission; but on a strict search into the Council books I cannot find that act has ever been confirm'd; therefore as I very much doubted whether that law was yet in force, I had a case stated and order'd H.M. Attorney General to give me his opinion upon it, which I have herewith inclos'd to your Lordships that I may receive directions in what manner I am to proceed in relation to the law mention'd in the above said case. *Signed*, Howe. *Endorsed*, Recd. 4th Feb., Read 16th July, 1735. 1½ pp. *Enclosed*,

392. i. State of the case referred to in preceding, with opinion of the Attorney General of Barbados thereupon. Nov. 20, 1734. *Signed*, J. Blenman. *Endorsed as covering letter*. 4 closely written pp. [C.O. 28, 24. ff. 122—124 v., 125 v.].

Nov. 24.  
Virginia.

**393.** Lt. Governor Gooch to the Duke of Newcastle. By the conveyance of the ship *Williamsburgh* bound for London, I have the honour of forwarding to your Grace, the copys of the public transactions in this Government, amongst which are the Journals and Acts of the General Assembly, which seperated the fourth of last moneth. As I flatter myself your Grace will find none of these Acts repugnant to the laws of our Mother Country, nor disagreeable to H.M. Instructions, I shall forbear enlarging this letter with any particular observations on them, nor on the Council's Journals which accompany them; and only add that as both the Journals of Council and Assembly will evidence the honest endeavours of all that have any share in the legislature to promote the interest of trade so necessary to Great

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Britain as well as to this Colony ; so it is with great satisfaction that I can assure your Grace of the perfect quiet and tranquility there is among all ranks of persons in this Government. And I hope the Address of the General Assembly to the King which Mr. Leheup will lay before your Grace, will be a proof of their loyalty and affection to H.M. Person and Family. *Signed*, William Gooch. *Holograph*. 1 p. [C.O. 5, 1337. f. 168].

Nov. 25.

**394.** Mr. Wood to the Council of Trade and Plantations. *States the case* of the planters of and traders to Jamaica with regard to the duties on negroes, in answer to Governor Cunningham's Memorial. They do not believe Jamaica is in the very sad circumstances therein represented and unable to raise the supplies necessary to defend [itself and] suppress the rebellious negroes, *etc.* Refer to past Instructions and reports on the subject. The negroes in rebellion are mostly negroes born in the mountains and bred entirely there and cannot properly be called slaves at all. If the Island is really in such sad circumstances and under pressure of numerous taxes as represented, what service could a small tax on imported negroes serve ; a large one would ruin the traders *etc.* *Signed*, Wm. Wood. *Endorsed*, Reed., Read 26th Nov., 1734. 20½ pp. [C.O. 137, 21. ff. 98—108, 109 v.].

Nov. 26.  
Boston.

**395.** Governor Belcher to the Duke of Newcastle. In conformity to my duty to the King, and from a just regard to his people, I have lately been to my other Government of New Hampshire, and held an Assembly and gave them the usual time of a sitting of an Assembly of that Province ; indeed the business there is so minute that they may always do in a week what is necessary for the Province for a whole year. And I now inclose to your Grace all that past in the Session, being only a few votes in answer to some trifling petitions, and after I found they wou'd make no supply to the Treasury in order to the repair of the only fort in the Province, and of the prison, and for the payment of the publick debts, I determin'd to dissolve them, as inconsistent with the King's honour, or with the safety of the Government and of this people to suffer such an Assembly to subsist. As I have mention'd in my speech, they came to a vote the 18th of Octr. upon the supply of the Treasury, and it past the negative by 10 in 16. This the House of Representatives were so much asham'd of, and so much afraid of the people, that they wou'd not suffer the Clerk to enter the vote in their Journal. Thus, my Lord Duke, is that poor Province naked and defenceless, both with respect to an enemy, and to the support of Law and Justice, and it's now about four years that the Treasury has been empty, and poor people all this while kept out of their just due : How mean, and how unjust has it been in the Assemblies, and how dishonourable to the King's Government and authority. And the source of it all, my Lord Duke, is from the Lieut. Governour, and his few adherents, and I can't but think it a poor game he plays in that little Province,



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to do all in his power to prevent the Governour's succeeding with the Assemblies for His Majesty's honour, and service, and for the good of the people, and then to write your Grace the Govr. has not interest enough to do any thing in the Province. Most certainly, my Lord Duke, it is easier to do mischief than to do good, but I think it a poor mean way of passing life. Were it possible, he wou'd before now have got some complaint from the people against the Governour, but I defy him and all my enemies to blot my administration of the Government, or to say I have not done everything in my power to support His Majesty's honour, and to promote the good and prosperity of His people ; and were Coll. Dunbar out of that Province it wou'd be in perfect peace and serenity ; but I don't suppose any place will ever be so, where he has the least power. Upon his further application to me about the King's Woods, I held a Council at New Hampshire, and now cover to your Grace what past in that affair. I have just heard from him what has been done in consequence of my last warrant ; when he found the first did not take effect in the manner he desir'd from the Justices, he might have sent it to any other of the King's Justices conformable to my proclamation issued in May last. I have now, my Lord Duke, made seven journies to New Hampshire, which have cost me upwards of £800 to bring that people to a sense of their duty to the King, and of their own happiness ; and notwithstanding the difficulties I have met with, I intend to make another journey thither this winter, hoping they may come to see the absolute necessity of their doing their duty. The assembly of the Massachusetts is now sitting, and I hope will proceed in all things, with a just sense of their duty to the best of all Princes, and with a tender care of the people. This is what I inculcate upon 'em on all occasions, and I think this Province is more quiet and easy than for near twenty years past *etc.* *Signed, J. Belcher.* *Endorsed, R. 31 March. 6 pp. [C.O. 5, 899. ff. 112—114 v., 115 v.].*

Nov. 26.  
Antigua.

**396.** Governor Mathew to Mr. Popple. Enclosed is an Act of the Island of Nevis entitled an Act *for raising a poll tax on negroes and other slaves belonging to the plantations and inhabitants of the Island of Nevis* which you will please to lay before their Lordships. I am honoured with their Lordships' commands relating to Sta. Cruz. They came to hand the 20th inst. I have sent to Anguilla, Spanish Town and Tortola, to get the best informations I can from the oldest inhabitants there to enable my sending to their Lordships full answers to their questions. By what I learn here our pretensions are over rul'd both by the Treaty of Breda and the Treaty of Neutrality in 1686. But if there be no resource and we must have harbours for our enemys in neutral ports just at our noses, and if the Danes chuse Sta Cruz, it still is of vast moment to us that they have but one ; and quit to H.M. his Islands of St. Thomas and St. Johns. On these terms I much doubt their sticking to the choice of their new acquisition, nor indeed can they settle it,

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unless they quit the other two, and in their new project their chief means they purposed for settling Sta. Cruz was and is, by debauching H.M. subjects from these Islands to become settlers and Danish subjects there, and I am sorry to say their success is most likely to be very fatal to us. Is there no recalling H.M. subjects to their allegiance both from under the Danes at Sta. Cruz and the Dutch at St. Martins? I have propos'd here encouragements by laws to bring them back, but nothing is done in it, or can I tell when there will. I mistook when in the state of these Islands I said the French carry'd off from St. Christophers about twelve hundred negros, pray alter it to about four hundred, and the argument is still the stronger. I cannot even yet tell you how to fill up the blanks of inhabitants in Montserat and Nevis. I have at last receivd lists from both those Islands. But those from Montserat are one parish or division under one sort of denominations, another in another method, so that I cannot reduce ym to one sett. And as for Nevis the President could not obtain, any obedience to his orders for calling in those lists, He then had warrants issued, and from those warrants he got with much ado the imperfect lists he has sent me; for nevertheless out of the little number of plantations and familys there, he has returned me forty six that would not give in their lists, and some of them of the first rank, two are of the Council and the Treasurer. is a third. I can not help it. They have patrons in England. *Signed*, William Mathew. *Endorsed*, Recd. 28th Feb., Read 27th March, 1735. *Holograph*. 2 $\frac{3}{4}$  pp. [C.O. 152, 21. ff. 11—12 v.].

Nov. 29. **397.** Mr. Wood to Mr. Popple. Asks leave to inspect some Acts of Jamaica and accounts in order to support his memorial of 25th Nov. *etc.* *Encloses following*, "since it is still insinuated that the merchants are not against the liberty requested by Mr. Cunningham *etc.* The traders of this City to Africa and Jamaica are all, to a man, against any duty either on the import or export of negroes *etc.* *Signed*, Wm. Wood. *Endorsed*, Recd., Read 3rd Dec., 1734. 3 pp. *Enclosed*,

397. i. Extracts from letters from the Merchants of Bristol 18th and 23rd Nov. The merchants of this City are against a duty on negroes, not only at Jamaica, but at all H.M. settlements in America *etc.* 1p.

397. ii. Extract of letter from the Merchants of Liverpool, trading to Africa and Jamaica. 22nd Nov., 1734. Are all of opinion that any such duty would be a great discouragement to that trade in general and to Jamaica in particular. "Unless the rebellious negroes can be suppressed by other means than at the expense of the traders from Great Britain to Africa and Jamaica, few or none will trade thither on such foot: and it seems to them to be very unreasonable, that the traders of Great Britain should be at the charge of quelling their rebellious negroes. For, as the negroes sold to the Spanish West Indies cannot give any disturbance



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to the island, it must be only those sold to the planters that are rebellious, and they becoming their own property, they themselves ought, in reason, to be at the expence of suppressing them" *etc.* Request Mr. Wood to appear on their behalf. 1 p. [C.O. 137, 21. ff. 122—123 v., 125, 125 v.].

[Nov. 30.] **398.** Petition of Merchants of London trading to St. Christophers to the Council of Trade and Plantations. On 21st Aug., 1732, the Assembly of St. Christophers, during the Presidentship of Michael Smith Esq. passed an act *for continuing the duties of gunpowder and small arms upon the tonage of vessels trading to this Island etc.* Which Act, tho' by the title of it, it purports only to be a continuation of the duties laid by a former act (1722) *etc.*, yet in the enacting part there is a proviso that the whole duty of one pound of pistol powder charged upon every tonn which such ship or vessel shou'd measure, shou'd not be paid in specie, as by the act of 1722 was directed, but that the one half thereof only shou'd be paid in specie and the other half in money, and that every pound of pistol powder to be paid in mony shou'd be rated at two shillings current mony *etc.* It is likewise enacted that it shou'd be lawfull for any person to pay 30sh. for and in lieu of any firelock by vertue of the said act to be paid. Petitioners conceive the said act to be passed in breach of several of H.M. Instructions, and to be very unreasonable and improper in<sup>d</sup> itself as well as greatly detrimental to the welfare and defence of the said Island. 15 signatures. Endorsed, Reed., 30th Nov., 1734, Read 27th Feb., 1734<sup>1</sup>. 1 large p. [C.O. 152, 21. 8, 8 v.].

Nov. 30. **399.** Governor Philipps to the Council of Trade and Plantations. My Lords, at my return to London out of Essex, where I had been confin'd lame 3 months, I found a letter from Mr. Secretary Popple by your Lordships' command, acquainting me that your Lordships having been inform'd that the Indians on the borders of Nova Scotia were uneasy on pretence they had not received the presents sent them by His Late Majesty, it was your Lordships' pleasure, that I shou'd let you know in what manner those presents were disposed off. In obedience to your Lordships' commands, I here lay before you the state of that matter as far and as prefectly as my memory will assist me, in an affair of fourteen years past, and thro' what means it came to pass, that the Indians had disqualified themselves from all pretention to H.M. favour before the presents could be deliver'd to them. But first, it behoves me to acquaint your Lordships of the misfortune that happen'd at home thro' the knavery (I must call it) of the person who had the power of soliciting, receiving, and laying out the money that should be given for the uses intended; this person was the late Mr. Bamfield, at that time in a station of trust in the Plantation Office. The first part of his trust he took care to execute to the full, vizt., the obtaining the King's order for the issue and getting the

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money into his hands. The other of laying it out he grossly and shamefully abused both in the quantity and quality of what he bought. First in the quantity, it was plain by the letter under his own hand, which accompanied the things he ship'd off, wherein it was specify'd that they were one part of the King's presents to the Indians, and that the other part would follow by the next opportunity, which other part has never yet been heard of, nor any advice to the merchant to whom the first were consign'd of any such goods having been ship'd, by which deficiency and the exceeding bad quality of the most of the species he did send, being the worst that ever were bought with money, it may be concluded without straining the matter, that he converted to his own use one half at least, if not two thirds of the sum he received. His death prevented the more full detection of that fraud. But the disposal of the things which came to my hands, being the part I am to account for to your Lordships, by reason it is said, that the Indians are now uneasy because they did not receive them. Your Lordships will see by what follows, that themselves necessarily put a stop to the delivery of the King's presents (which were designed for friends, not enemys) at the very time appointed for their receiving them, when it was expected they would appear with hearts affected with peace, love and Friendship instead of hands imbrued in the innocent blood of H.M. subjects. To demonstrate this to have been the case, your Lordships must be acquainted, that those presents ship'd by said Bamfield arrived at Boston in November, 1720, where (of necessity) they winter'd by reason of the lateness of the season, that would not admit of their proceeding to Nova Scotia, so did not arrive there till the 30th of July, 1721, whereof I took care to advertize the Indians throughout the whole province, first of their arrival at Boston, and afterwards in Nova Scotia; at which time being about to embarque for Canso (as I had before determin'd) to take a view of that post, and the lodgement of the Companys I had placed there the winter before, which I had never seen, I appointed the Indians to make that their place of rendezvous for receiving the presents the King had graciously sent them, and I pass'd a very bad winter there, that I might be ready to receive them in the spring of the same year 1721, being the soonest they could come together; but notwithstanding all this precaution and their knowledge of the presents waiting them, a war had been concerting all this year and resolved upon, which was to breake out with the surprizing the Fishery, proposing thereby to enrich themselves as they had done two years before; so that instead of assembling for their presents as Canso (as I expected) they were assembled in another part, to begin the bloody tragedy they had concerted. However (to amuse us) they detach'd one of their chief's to Canso with some of his followers more probably to view our posture than receive presents; but all their consultations being yet a secret, I receiv'd them as Friends and enquired why their people were not come, to which they answer'd I shou'd see them soon. And having entertain'd them two days



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civilly (during which time they press'd much for dispatch) I delivered to them in the King's name what I judged to be their proportion of the presents, with charge to let all their friends know that I attended their coming. But they had not been gone above 4 or 5 days before the scene open'd and the alarm reach'd Canso, that the Indians had surpriz'd many of the Fishing sloops in several of the harbours, putting part of their crews to death and reserving the rest to navigate the vessells in order to turn pyrates, their intention being to take all vessells they met on the banks, and then to attack Canso. The first part of their design they put in execution, but were prevented in the other by the good service done by two vessells fitted out at Canso well man'd, arm'd and equip'd, to whom I gave commissions of mart, and put a detachment of soldiers with an officer into each to sustain the fishermen, who met with those privateers, engaged and routed them with a great slaughter and many prisoners, recovered every vessell they had taken, to the number of near a score, releas'd many poor souls from impending death, quieted the fishery that were about to break up in confusion in the midst of the business, and among the trophies of victory brought home, was the head of that very chief who had received the King's presents of me but three weeks before. Thus your Lordships see they had totally disqualifyed themselves to receive H.M. presents, and for them to murmur now for want of what they so deservedly lost, or to pretend that those presents shou'd be reserved for them during the course of five years' war, as a reward for all the murders they had or should committ within that time, is I humbly conceive so very extraordinary that it deserves no attention. They have never yet assign'd any reason for that last war, they begun and ended with so many crueltys. It proceeded from the councils of our good neighbours, by whom they were furnished with ammunition, and whenever they shall see good to begin another, it matters not what pretext they make, whether any or none, for when call'd to arm against H.M. Government they will allways be ready. They are so firmly attach'd to that interest both by inclination and yearly pensions, and proud to be call'd the Allys of France, and (in regard to us) are taught to hold the Government in so great contempt on the score of religion, equal to the most bigotted papists, that they are not to be drawn from that party by all the douceurs or presents the King shall make them ; this is a certainty we are to depend on ; for as sure in its kind as the gospell, therefore I can never advise that the Government shou'd be at any farther expence of that kind, it will not answer any end ; they will take all whatever we give them and cut our throats next day if our neighbours see it their interest to disturb our settlements ; such money will be laid out to much better purpose, in sending over such a reinforcement of men and building a Fortress at Canso as may beget their fear, for their love and Friendship we can never purchase. There is no person who knows anything of the state of that country that (I dare say) ever thought the Indians wou'd be quite tranquille in the present posture of

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affaires in Europe, tho' at so great a distance they are not uninformed nor undetermin'd what party to take in case of a rupture with France; this is the true motive of their sullenness at this juncture which they seek to cover with a very ridiculous disguise. When I was last in the Government betwixt three or four years gone, I had an opportunity of seeing and speaking with most, if not all the Indians of the Province, when I was administering the oath of Allegiance of the French inhabitants to His present Majesty, they being then assembled to learn what was doing, which being explain'd to them they seem'd well enough satisfyed. Upon which occasion I made them presents of goods that I bought of a merchant to a considerable value, and liquors to drink H.M. health, a voucher whereof is forthcoming. In return I had the Indian dance in token of their being pleas'd. This sure had been a good opportunity for them to have spoke of the King's presents, had they thought there was any colour of right, or reason in such a plea, but it's pretty plain they were not then of that opinion, and therefore if it is got now into their heads after nine years' silence, it is easy to imagine in what school it has been taught. The Indians thus having disquallified themselves in the most effectual manner as has been related, of all pretention to that His late Majesty's intended grace and favours, it remains that your Lordships shou'd be acquainted how they were disposed of, since the Indians had but a small part delivered to them. And here your Lordships have been told of the abuse committed of Bamfield, who saved me the trouble of a long accot. But something was to be done in that time of hurry and confusion with the things in my possession. The Indians had begun a war which they boasted was to end with the world, and scarce a probability appeared of an opportunity to dispose of them in the manner they were design'd, at the same time there was a necessity of removing them from Canso, for want of a place of cover to lodge them, even the soldiers' provisions lay then in the open air. And having no conveniency of transportation but by the Fishery then returning home, the season being ended, I was necessitated to send them back to New England to waite there some time the event of things but with instructions, in case of the war's continueing and the stuff receiving damage, and to save the growing charge of storage, that they shou'd be disposed to the best advantage for account of the Government; as accordingly I believe they were, the amount whereof was £150 which sum stands an article of credit to the Government in my accot. of disbursements, for contingent services of that province, to supply which there has never been any fund from the foundation of that Government. I have only this farther to add in relation to this affair that if (after what has been said) it shou'd be imagined that I have been a gainer in the disposing of the part of those presents that came to my hands, I am ready to give my oath in any or all the Courts of Justice, and even at the altar, that having given the Government credit for that £150 that I am so far from profiting so much as a shilling by them, that on



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the contrary I am in several articles of charge, as store room nine months at Boston, freight from thence to Annapolis, thence to Canso, and back to New England, commissions &c., not less than £20 out of pocket. Thus I have the honour to give your Lordships an honest and true state to the best of my knowledge of this matter *etc.* *Signed*, R. Philipps. *Endorsed*, Reed. 6th Dec., 1734, Read 5th Sept., 1735. 8 pp. [C.O. 217, 7. ff. 136—139 v., 140 v.].

Nov. 30.  
Boston.

**400.** Governor Belcher to the Duke of Newcastle. *Abstract.* Recommends Mr. Shirley's application, Nov. 19, *q.v.* *Signed*, J. Belcher. *Endorsed*, R. March 12. 7 pp. [C.O. 5, 899. ff. 116—119 v.].

Dec. 3.  
Boston.

**401.** Governor Belcher to the Duke of Newcastle. About twelve months agoe arriv'd here from London Mr. Benjamin Pemberton of this town with H.M. order to me to appoint him Naval Officer in this Province, which place I had some time before given to a gentleman that marri'd my only daughter, by whom he has a family of children, and really wants that place for his necessary support. However I immediately obey'd the King's command *etc.* But I would now humbly beg of your Grace, that I may expostulate and lay before you the great hardships in this case *etc.* Mr. Pemberton has not the least colour of justice to lay claim to any such favour from H.M., for all the merit he pretends to was having a vessel seized and taken from him by the French at Cape Breton, of which *etc.* he had not the least reason to complain, being ingag'd there in a clandestine trade, and it would be well for the fair trader, that all men concern'd in such illegal practices might find the same discouragment; but I understand he was so impetuous at the French Court, and then in England, that he obtain'd the order he brought me *etc.* *Continues*:—As to myself, H.M. Commission for the Government of this Province makes me at the same time Naval Officer, in conformity to several statutes of Charles II and William III, where the Governour and he only is intrusted and answerable for everything transacted in that office, and that upon severe pains and penalties, *etc.* *Argues* that in his Instructions upon the Acts of Trade *etc.* H.M. looks upon him as Naval Officer. This is the only place of profit in the Government that is absolutely in the Governour's gift, and asks to be restored to it, in virtue of the vast trouble and expense he has undergone since his arrival *etc.*, and for a patent for life to his son in law. *Signed*, J. Belcher. *Endorsed*, R. March 12. 8 pp. [C.O. 5, 899. ff. 120—123 v.].

Dec. 3.  
London.

**402.** Mr. Furye to the Council of Trade and Plantations. Criticises memorial of Samuel Wragg, James Hewlett and William Wood, which he describes as an invective against the Governor, Council and Assembly of S. Carolina, and suggests that a copy be sent to the Governor for reply. The appropriation law will expire in a little more than 3 years, but the duty on imported

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negroes, which the memorialists seem chiefly to aim at, is not governed by it, but will subsist whether that act be repealed or not, *etc.* *Signed*, Percyl. Furrye. *Endorsed*, Reed., Read 10th Dec., 1734. 14 $\frac{3}{4}$  pp. *Enclosed*,

402. i. Account of the disposal of the sinking fund in S. Carolina. *Receipts* :—£13,000 per annum from Aug. 20, 1731—1735. = £52,000. *Expenditure* :—To laying out townships and providing tools, cattle and provisions, *etc.* for new settlers, £19,725 ; for new settlers and forts in Georgia, £18,500 ; allowance for one year to Mr. Gordon and 40 Highlanders in one of the Northern townships, and to Mr. Wm. York with sundry Pallatines from Philadelphia as also several from England £5,000 = £47,725. Provision for 300 Swiss now going over, £7,925. *Endorsed as preceding*. 2 pp. [*C.O.* 5, 363. ff. 180—187, 188 v., 189, 189 v., 190 v.].

Dec. 5.  
Whitehall.

**403.** Council of Trade and Plantations to the Lord Harrington. In reply to 16th Nov., enclose following to be laid before the King. *Autograph signatures*. 1p. *Enclosed*,

403. i. *Same* to the King. *We have considered* Mr. Walpole's letter relating to Swiss emigrants, *etc.* (v. 26th Nov.). *Continue* :—We beg leave, upon this occasion, to repeat what we have frequently had the honour to represent to your Majesty, that nothing can be more conducive to the service of the Crown, and the general interest of Great Britain, than that all your Majesty's Colonies in America, and particularly the two frontier provinces of Nova Scotia and South Carolina, should be fully peopled with white inhabitants. The Lord Harrington having acquainted us, that he had communicated this intelligence to the Trustees of the Colony of Georgia, we have consulted with those gentlemen upon the proper means of disposing of these Swiss families, who have informed us, that the expence of transporting them to Carolina and of maintaining them for one year after their arrival, till they shall have raised provisions for their support, would amount to sixteen pounds sterling at an average, for each person ; and that the funds of the Trustees for the Colony of Georgia being exhausted, they cannot undertake to transport these foreigners thither upon their own accounts. But they have suggested to us, that if means could be found for defraying the charge of transporting these people to Carolina, which might be done for an expence of six pounds p. head only, they might be conducted to Purrysburgh, where they would undoubtedly be very glad to settle and incorporate themselves with their countrymen already there ; and that upon proper orders to the Governor of South Carolina, necessary provisions would be made for subsisting them for one year, funds being already settled



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and a vote passed by the Assembly of that province, for the reception and assistance of foreign Protestants. If mony be advanced for the transport of these people to Carolina, the Trustees for the Colony of Georgia are willing to take the trouble of providing ships and furnishing necessaries for the voyage, as they have done for those whom they have transported at their own charge ; and therefore considering the advantage that will redound to the trade of Great Britain from the labour of these people and to the Public Revenues, as well as the strength that will be thereby added to this frontier province ; and that on the other hand, if they should be totally rejected and refused assistance, their countryman and other foreign Protestants might be deterr'd from attempting to settle in your Majesty's American Colonies : we are humbly of opinion that your Majesty should be graciously pleased to order the necessary sum for their transport at the rate of six pounds for each person, to be paid to the Trustees for the Colony of Georgia, for their service, and that orders should be sent to Col. Johnson, your Majesty's Governor of South Carolina, to make the necessary dispositions for their reception. *Autograph signatures, 3 pp. [C.O. 4, 383. ff. 15, 16—17 ; and (without covering letter) 5, 401. p. 116.].*

Dec. 6.  
Jamaica,  
Spanish Town.

**404.** Major Ayscough to the Duke of Newcastle. I was honoured with your Grace's letter, dated the 25th day of July, with a duplicate of your former favour, dated the 6th of June ; the forces are all arrived in good health, two hundred are quartered at Port Antonio, on the north-east side of this island, for the security of those parts, the other four hundred I have placed on the several plantations, in St. Thomas in the East, in the best manner that possibly I could, untill the barracks should be made ready for them. The two parties I acquainted your Grace with, in my last, were by the badness of the weather, and by the desertion of the people, for want of laws to punish them, defeated ; finding that the gentlemen of this island, whose estates are secure from the attempts of the rebellious negroes, sent the worst of their people on those parties, I prevailed on the Assembly to make a law, to putt martial law in force, not exceeding six months, which I proclaimed on the 23rd day of October, and have raised the men according to the resolutions of the Council of War which I here inclose. This scheme is lookt upon here, as the best method for the reduction of the rebells, and it is the opinion of everybody, that we shall not fail of success ; these parties are made up of the flower of the country, Colonel Brooks, Colo. of the Regiment of the parish of St. Elizabeths, a man of a good estate, a very discreet and gallant officer, has the sole command of the six hundred men, four hundred of which he marches with himself from Morant, in the parish of St. Thomas in the East, with one field officer, four captains and twenty subaltern officers, besides

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several young gentlemen of good estates, voluntiours, the other two hundred men march from Port Antonio, under the command of Major Munbee, with two captains and ten subaltern officers, in order to attack the rebells' town two ways. I must observe to your Grace that the officers upon this expedition in general, are men of good estates and goe into it, with great spirit and alacrity, as the generality of the men doe. I have been here at Morant, the place from whence the parties march, this fortnight, with five gentlemen of the Council, in order to see the men well fitted out, to give a better countenance to this expedition, and to encourage them to go on cheerfully: The Chief Justice with several other gentn. are gone to Port Antonio for the same purpose; as this town is the rebells' stronghold, I think it is necessary to beat them from that place, which will intirely break the neck of them, and disperse them, in small bodies, so that in time, they may very probably be starved or obliged to submitt. The method, my Lord, I have taken is as follows; when the six hundred men meet together, and are in possession of the town, they are to build a defensible barrack; in the meantime, two hundred of the best woodsmen, or more, are to pursue them, and range the woods in order to prevent them from settling again, in any great body, in any other part, which scheme, I hope, will be approved of by H.M.; nothing shall be wanting on my part, my Lord, for the service of H.M., and the good of this island. This law has been endeavoured at several times in Mr. Hunter's Government, but never could be obtained; your Grace is sensible, how disagreeable martial law is to a free people, and nothing but a person who is well liked, could have brought them into it. I have been so much fatigued ever since I had the honour of this Government, that I assure your Grace I have not had time to transact my own affairs: The salary and proffitts of it [*are not*] sufficient, to support the dignity of it, and though I may say, I have with cheerfulness, served H.M. at my own expence; yet as a faithfull servant and dutifull subject, I shall be always proud and ready to obey his commands. *PS.*—The parties march to-morrow morning. *Signed*, J. Asycough. *Endorsed*, R. 17th Jan. 2 pp. *Enclosed*,

404. i. Minutes of Council of Jamaica, 24th and 25th Oct. *Copy*. 6½ pp. [*C.O.* 137, 55. *ff.* 122, 123–127; and (duplicate of covering letter only, *endorsed*, R. 16th Feb. *Addressed*. *Seal*. *Postmark*) 137, 47. *ff.* 259–260 v.]

Dec. 6.  
N. York.

**405.** Governor Cosby to the Council of Trade and Plantations. *Abstract*. The Assembly was so intent upon fortifying the Colony and finding means to do it, which useful work was delayed by a few Members, that they could not find time before adjournment to make a proper answer to Mr. Popple's letter of 30th May. He therefore makes the best answer he can. Wheat is the staple of the Province, "and tho' that commodity seems literally to interfere with the product of Great Britain, it do's not so in fact. For it's generally manufactur'd into flower and bread, and sent



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to supply the Sugar Collonys. And whenever a markett in Spain, Portugal or other parts of Europe, have encouraged the sending it thither in grain, the Adventurers have often suffered by the undertaking. For at this remote distance, the intelligence of a demand reaches us so late, that the marketts are supplied before our vessels come there, and even if it were otherwise our merchants lye under vast and certain disadvantages besides, for freight of wheat from hence in time of warr was at least two shillings and sixpence, and in time of peace is eighteenpence sterling pr. bushell, and by the length of the passage it often grows musty" *etc.* "The main bent of our farmers is to raise wheat, and they are like to remain in that way until the price of it becomes so low, that necessity puts them upon some other way of cultivation *etc.* There are a great many lands extream fitt for hemp, and there is not one farm in it but has land proper to raise flax ; but little more than either is raised than what is for private use, the former they apprehend to require more hands than they have to spare, and labour is still so dear that they cannot afford to hire people for that service ; nor do they well understand how to rott and dress it" *etc.* Tar, pitch and turpentine may be got here *etc.*, if the price at home will encourage it, which it has not done for several years past, notwithstanding the bounty *etc.* The method used in Russia was found not to answer here, owing to the difference of the pitch pine *etc.* In the Jerseys is one extraordinary rich copper mine, and some others afford a good prospect, but in this province none as yet discovered, tho' a good deal of money has been expended in search of them. Some lead mines have been found in this Colony, but have not by far quitted the cost expended in search of them. If they prove good, the proprietors will rather send it home in ore, than be at the charge to erect smelt houses. *Continues* :—We have a great many iron mines both of the bogg and of the mountain bar, but as yet no iron work is sett up in this province ; if an encouragement was given upon the importing of it in piggs or barrs, at least that it might be free of dutys, it is very probable that in a few years the Nation might be amply supplied from her own plantations, and it's evident that the whole amount thereof wo'd be paid in the manufactures of great Britain, who now pays ready money for greatest part of the iron it has from Sweden *etc.* When the Dutch were in possession, they sett up a pottash work at a vast expense but found it wo'd not answer ; about 25 years ago it was attempted here again at the expense of a gentmn. in London but dropt for the same reason, and a like essay is lately set on foot in Jersey ; which, it's feared, will be attended with the same fate *etc.* *Set out*, Doc. Hist. N.Y.I., 491. *Signed*, W. Cosby. *Endorsed*, Recd. 22nd Jan., Read 26 June, 1735. 2 large pp. [C.O. 5, 1057. ff. 18, 18 v., 19 v. ; and (endorsed, R. in a blank cover, March, 1734), 5, 1093. ff. 330, 330 v., 331 v.]

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N. York.

**406.** *Same to Same. Abstract.* After long refraining from entering complaint against Mr. James Alexander, a Member of the Council, is now compelled to do so for H.M. service and the

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safety of the Province. President Van Dam employed him in the payment of the forces, and for that reason the Governor showed him all the civility in his power, but as soon as Van Dam and Morris began to treat him with rudeness, he found Alexander to be at the head of a scheme to give all imaginable uneasiness to the Government *etc.* "A Press supported by him and his party, began to swarm with the most virulent libels, scurrilous and abusive pamphlets publish'd against the Ministry, and other persons of great honour and quality in England were reviv'd and reprinted here, with such alterations as serv'd to incense and enrage the People against the Governour, the Council, the Assembly, and all Magistrates in general. No man in H.M. service, tho' many had been ten and twenty years in the same employments, was spar'd, all were equally made the objects of rage and fury with a deluded and unreasonable mob" *etc.* Some of these papers gave very plain hints that the Governor was in no greater safety than his friends. Meetings of their factious men is still held several nights in the week at a private lodging, "Alexander always present and Morris, till he lately fled privately for England, in great fear, as 'tis publicly reported, least the printer of their seditious libels should discover him; for these reasons it is, that I have not lately requir'd Alexander's presence in Council." For "one particular and remarkable instance of the most abominable and detestable villany that ever was committed" refers the Board to enclosed report of a full Committee of the Council. The person whose life, character and fortune were struck at, is Mr: Harison, one of the eldest Members of that Board. Yr. Lordships, will see where the instrument intended to destroy him was dropp'd, how found, and by whose vilanous blank affidavit, (a common practice wth. Alexander and Morris) the same was imputed and charg'd to him at that critical juncture when the passions of the people, who were to be his tryers, were rais'd to the highest pitch against all who avowedly declar'd their resolution to stand or fall in a steady active opposition to the enemy's of the Government. Mr. Harison has for twenty-six years past been very employ'd in very considerable haste, by the Governmt. tho' with little profit to himself, his steady adherence to the present establishment, his known and long experienc'd fidelity, to Lord Lovelace, Mr. Hunter, and his successors here recommended him to me, while Alexander, Morris and ye disaffected party were thereby become his mortal enemies" *etc.* Believes that Mr. Alexander, some years since a teacher of Navigation on board one of H.M. ships, was dismissed from the service for disafection to the Protestant Succession and refusing the oaths to the Governmt. *etc.* *Continues* :—Now, *etc.* after the Council had order'd certain seditious libels, tending to open rebellion, to be burnt by the hands of the common hangman, that the printer of them be committed to the common goal, and prosecuted by the Attorney Genll., and a proclamation issued by their unanimous advice (a Grand Jury haveing presented the same libels) wth. a reward of fifty pounds for the discovery of the author of them, this man James Alexander has appear'd as the printer's



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counsel and attorney for several successive days before the Chief Justice James De Lancy Esqr., attended by William Smith attor. at law, another declar'd incendiary, and one Jansen an alderman chosen as their audacious libels set forth in opposition to, and in a different interest from that of the Government" *etc.* For these reasons he entreats the Board to intercede with His Majesty that Alexander be removed from the Council *etc.*, and John Moor appointed to succeed him. The removal of Mr. Morris, late Chief Justice, has already been of consequence to H.M. affairs, his successor, James De Lancy having upon some very important occasions exerted himself with so great prudence, steadiness and resolution as has in great measure allayed the heats of the common people and defeated the factious designs of his predecessor *etc.* Enraged at this, and almost distracted with disappointment, Morris has privately embarked for England, with complaints and false affidavits *etc.*, some forged and all gleaned from the meanest labourers, for he has only been able to seduce a few men of reputation, upon their weak hopes that a new Parliament would produce a new Ministry, and that something more would follow *etc.* Will not name them unless their misbehaviour continues, which he does not expect, now that the principle incendiary has left them to the support of Alexander whose credit is growing very low. Morris, when President of New Jersey after Col. Montgomery's death turned several good and loyal old officers out of employment with the Council's assent, to make room for his relations, and sat as Chancellor and made a decree without regular notice given, or hearing of the parties, whilst ever since Governor Cosby arrived he has been declaiming against all Governors who have sat as Chancellors and assuring the country that no decrees of that Court or any other Court of Equity here are binding, and that H.M. has no right to establish any such Court here *etc.* Resigns to the censure of the Board the authors of such doctrines, including Van Dam at least as a publisher of them, his capacity making it impossible to believe him the writer of even their meanest performances *etc.* *Proposes* that he be replaced in the Council by Paul Richards. Will send details of Morris' behaviour in a separate paper, so as to save the time of the Board. Believes he will complain that he has not been summoned of late to the Council of New Jersey. His residence is always in New York, and whenever the Assembly meets in New Jersey, the method is to issue out a proclamation requiring the attendance of the Council likewise, who stay with the Governor upon the spot during the whole session, it being impracticable as they live very remote from each other, as well as from the places where the Assemblies sit, to call them together upon the necessary emergencies, if they were to separate at pleasure as the Council of New York does, the majority of whom reside in the City. To these proclamations neither Morris nor Alexander have ever paid the least regard since 7th Aug., 1732, seven days after the Governor's arrival *etc.* He can do these Provinces no greater service at present than by using all his credit with the Board to secure H.M. Commission for Robert Lettice

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Hooper, Chief Justice of the Jersies, to succeed Morris as one of H.M. Council there. He is a person truly affectionate to H.M. royal house and in very great esteem in his country *etc.* *Concludes* : A mislead populace in this City in Sept. last elected their annual magistrates and aldermen and common council out of such as were followers of the leaders above named, they very soon, though too late, began to reflect upon their own folly and madness in throwing out of office several gentlemen of the best fortunes and greatest interest here, who were their own constant employers and cheife support, publicly wishing that they could recall those weak papers which Morris and Alexander have prevail'd on them to sign, without aprehending their design or intention of them. My Lords if you are pleas'd to assist these my requests I solemnly assure your Lordship's that *you will lay the highest obligations upon many thousands of his Majesty's best and most loyal subjects in both Provinces, that you will secure the fidelity of all, and at the same time, do a thing for which I and my successors shall ever be oblig'd to yr. Lordships etc.* Set out, N.Y. Col. Doc. VI, 20; N.Y. Archives, 1st ser. V, 395. Signed, W. Cosby. Endorsed, Reed. 22nd Jan., Read 4th Aug., 1735. *Holograph.* 5 $\frac{3}{4}$  pp.

406. i. Certificate that the following is a true copy. Signed, Fredk. Morris, Cl. Counc. Dec. 4, 1734.  $\frac{3}{4}$  p.

406. ii. The Report of the Committee of H.M. Council, to whom it was referr'd, to examine and make enquiry, touching a letter found in the house of Mr. Alexander in New York on Friday the First Day of February, 173 $\frac{3}{4}$ , in order to make the fullest discovery concerning the author of the same. New York, Printed and sold by William Bradford, 1734. Mr. Alexander, who had made an affidavit as to his suspicion that the author was a Member of the Committee, Mr. Harison, and suggested that it was in his handwriting, refused to attend except upon conditions. The Committee decided that Mr. Harison was entirely innocent and incapable of so foul a deed; and that the letter found in Mr. Alexander's house, "threatening destruction to his wife and family, in case a villainous demand therein made, was not complied with, is a most wicked, scandalous and infamous counterfeit and forgery, calculated by some artful, malicious and evil-minded person to traduce and villify the character of an honourable Member of H.M. Council" *etc.* Signed, Daniel Horsmanden, Chair-man. Feb. 21, 1733. Endorsed, Reed. Jan. 22, 173 $\frac{3}{4}$ . Printed. 11 pp.

406. iii. Letter from Mr. Francis Harison to the Mayor, Alderman and Commonalty of the City of New York. March 12, 1734. Protests against the imputation of the forged letter referred to in preceding. Printed and sold by William Bradford in New York, 1734. MS. note in margin. Lewis Morris junr. . . . keeps this forged letter, and 'tis by many beleived to be his own handwriting, or Alexander's. I take it to be of the latter. Endorsed as preceding. Printed. 9 pp.



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406. iv. Copy of *The New York Weekly Journal*, Numbr. XLVIII. Munday, September 23d., 1734. New York. Printed and sold by John Peter Zenger. 4 pp.

406. v. Copy of *Same*, Oct. 7th, 1734. No. XLIX. 4 pp.

406. vi. Copy of *Same*, Sept. 30th., 1734. No. XLVIII. 4 pp.

406. vii. Copy of *Same*, Dec. 17, 1733. No. VII. 4 pp.

406. viii. (a) A Song made upon the Election of new Magistrates for this City. To the tune of, *To you Fair Ladies now on land* :—

To you good lads that dare oppose  
all lawless power and might,  
You are the theme that we have chose,  
and to your praise we write :  
You dar'd to shew your faces brave  
In sight of every abject slave ;  
With a fa la la.

Your votes you gave for those brave men  
who feasting did dispise ;  
And never prostituted pen  
to certify the lies  
That were drawn up to put in chains,  
As well our nymphs as happy swains ;  
With a fa la la.

And tho the great ones frown at this,  
what need have you to care ?  
Still let them fret and talk amiss,  
you'll shew you boldly dare  
Stand up to save your Country dear,  
In sight of usquebaugh and beer ;  
With a fa la la.

They beg'd and pray'd for one year more,  
but it was all in vain :  
No wolawants you'd have, you swore ;  
By jove you made it plain ;  
So sent them home to take their rest.  
And here's a health unto the best.  
With a fa la la.

(b) A Song made upon the foregoing occasion. To the tune of *Now now, you Tories all shall stoop*.

Come on brave boys, let us be brave  
for liberty and law,  
Boldly despise the haughty Knave,  
that would keep us in aw.  
Let's scorn the tools bought by a sop,  
and every cringing fool.  
The man who basely bend's a fop,  
a vile insipid tool.

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Our Country's Rights we will defend,  
 like brave and honest men ;  
 We voted right and there's an end,  
 and so we'll do again.  
 We vote all signers out of place  
 as men who did amiss,  
 Who sold us by a false adress,  
 I'm sure we're right in this.

Exchequer Courts, as void by Law  
 great grievances we call ;  
 Tho' great men do assert no flaw  
 is in them ; they shall fall,  
 And be condemn'd by every man  
 that's fond of liberty.  
 Let them withstand it all they can,  
 Our Laws we will stand by.

Tho' pettifogging knaves deny  
 us rights of Englishmen ;  
 We'll make the scoundrell raskels fly,  
 and ne'er return again.  
 Our Judges they would chop and change  
 for those that serve their turn,  
 And will not surely think it strange  
 if they for this should mourn.

Come fill a bumper, fill it up,  
 unto our Aldermen ;  
 For common-council fill the cup,  
 and take it o'er again.  
 While they with us resolve to stand  
 for liberty and law,  
 We'll drink their health with hat in hand,  
 Whoraa ! Whoraa ! Whoraa !

406. ix. Address of Council and Assembly of New York to Governor Cosby. 28th Nov., 1734. Request his assent to the bill *to strike and make current bills of credit to the value of £12,000, on the fonds and for the uses therein mentioned*, and so "to put the last hand to the erecting these fortifications, *which* we hope to see rise under your direction" etc. *Conclude*: Sir, The present war in Europe, the diligence of the French, our neighbours, the decayed forts and defenceless state of our principal trading city and frontiers, compel us to beseech your Excellency to pass this bill, and we flatter our selves, that when his Majesty shall be graciously pleased to consider the naked and defenceless condition of this Colony, He will be convinced of the loyalty and zeal of his subjects, to put it in a posture of defence by the only method in their power." *Signed* by six Councillors



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and, by Order of the General Assembly, Adolph Philipse, Speaker. *Printed and sold by William Bradford in New York, 1734. 2 pp.*

406. x. Certificate of Adolph Philipse, Speaker of Assembly. New York, Nov. 28, 1734. Order of Assembly, 19th Nov., 1734. That Col. Morris have leave to go home being indisposed. *Certifies that*, as the House was about to adjourn, Col. Morris, aleaging his sore legg grew worse, moved for leave to goe home. Whereupon I asked him, What, to Morrisania? To which of this he replied, Yes. I then askt him to furtha, Had you not better stay in town where you can have the assistance of docters? To which he answered, No, I must keep myself quiet and still, and docter it myself" *etc.* No objection being raised, above order was entered. "A few days afterwards I was informed he was embarked for London" *etc.* Signed, Ad. Philipse. *Holograph. 1½ pp.*

406. xi. Resolution of Assembly of New York, 11th Nov., 1734. Ordered that Capt. Rutgers do carry the bill for the better establishing the night watches in the City of New York and for the more equal defraying the expence thereof, for the ease of the poor inhabitants, with the amendments, to the Council, and acquaint them, that this House cannot agree to any amendmt. to a mony bill. Signed, R. Ludlow, Cl. Endorsed, Recd. Jan. 22, 1734½. ¾ p. [C.O. 5, 1057. ff. 20-22 v., 23 v., 24, 25, 26-30, 31 v.-45. 46-48 v.; and (covering letter only, endorsed, R. in a blank cover, March 1734½) 5, 1093. ff. 326-328 v., 329 v.]

Dec. 7.  
N. York.

**407.** Governor Cosby to the Council of Trade and Plantations. *Abstract. Acknowledges* letter of Aug. 22, and will in future send over with every act the general purport of it and reasons for passing it. In his letter of 17th June, he omitted by mistake to name the deceased Councillors whose places he wished filled. They were John Johnston, John Parker and James Smith. Since then he has recommended John Schuyler in the room of Col. Peter Baird deceased. He also recommended Col. Provoost who succeeded Mr. Hogg, who died in Col. Montgomerie's time. *Repeats* part of preceding letter of 6th Dec. *Encloses* copy of Col. Montgomerie's Charter of New York. As the Assembly only broke up on the 29th Nov., it has been impossible to get the Acts passed there printed in time to send copies, which shall be done by the next ship. *Replies* to the Board's enquiry as to the quantity of lands, which they have been informed is 30,000 and not 1200 acres,—vested in the Crown in trust for the Mohawks;—They have two wayes of discribing their lands, the one they distinguish by the genll. name of land, that is, what they call land, is flatts or meadow ground, where wood nor brush was never known to grow. This puts me in minde of a tryall that happened at the Supream Court in this Province in relation to boundrys of lands *etc.* One of the wittnesses *etc.* gave his evedence

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that he had walked severall miles over itt but did not see one foot of land. Now, my Lords, as to the lands, you desire to be informed of, is certainly that tract of land, that the Mohocks Nation has put under the protection of the Crown in trust for them, they are called ye Mohock Flatt, where we have a gerreson, and are generally computed at about twelf hundred acars, tho most people that have seen itt, say, it is not quit so much but verry near. All the lands quit round itt, to God knows where the Mohocks claime, and there are many and many thirty thousand acars but not an acar as I could ever learne of flatts or clear medow land, being every foot (except this twelf hundred acars) all the country besides being all wood lands, and most of them for some mills each side of the Mohocks river already granted long since. So that those that sent your Lordships that information in an unknowne hand designed only an imposition upon you, being ashamed to put their names to it, knowing the ascertainment to be falls. Now, my Lords, since I am upon this I cannot help mentioning one more vill action amongst the many committed by Mr. Morris, Allexander and their adherants; Some months since I had the honour to transmitt to your Lordships. ye proceedings relating to the Mohocks flatts, which I thought my selfe in duty bound to doe, to secure them from going over to the French intrest at that verry time they were vilifying mee, and falsely acusing mee here, as well as at home, I say at the verry time, did this same Mr. Morris, Mr. Allexander and one Smith a lawer one of their gang goe to one Mr. Boyle a Scotch gentl<sup>n</sup>. here who they imagined had great intrest at home, and gave him thire opinion, which was, that the Albany people had no right to them flatts, that Collo. Dongan's grant was not good, therefore desired he would write to his friends in England in order to obtaine a grant of the said lands, and for there oppinion they were to come in for a share of them. This I doe assure yr. Lordships. is true from the mouth of Boyle, who told it to Mr. Lindsay, Shirff of Albany County, who is a verry honest man. Mr. Lindsay came to mee an hour after he had beene with Boyle, the said Mr. Boyle makeing no secrett of itt, Mr. Lindsay further said that Mr. Boyle had showne him coppys of his letters he had wrote to his friends in order to obtaine ye grant. So that yr. Lordships. sees the absurdity of these people and how capable they are of doing everything that is badd. My Lords, it is just now come into my head, that it is not unlikely but that Mr. Morris, who is gone over may say, that there was sent a sergant with a file of men to stop him. So farr from it, that I doe assure you my Lords, if he had sent to mee for a pass to goe for England, I would have readely granted it to him. Your Lordships well knows that desersion is verry common where there are soldiers and verry often they desert and gitt on board sloops and ships that goe from hence, a Capt. mist a man, and found that he had deserted and had intelligence, that he went to the Hook on the Jersey side in order to gitt on board Capt. Payton, the Capt. himselfe saying two or three day's before there had been a man bargaining with him for his passage, upon which ye Capt. sent downe a sergant with a file of men in order to take



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him, in case he should attempt itt, to goe on board at the Hook; this my Lords is the truth of the whole matter." *Signed*, W. Cosby. *Endorsed*, 22nd Jan., Read 4th Aug., 1735. 3 pp. *Enclosed*,

407. i. ii. Drafts of an Act for appointing an Agent for New York. Oct. 26, 1734. 3 and 6 pp.

407. iii. Draft of an Act to lay a duty on tea. Committed to a Committee of the whole House, Oct. 25, 1734. 2½ pp. Nos. i-iii *endorsed*, Recd. 22nd Jan., 173½.

407. iv. Attested copy of Charter granted to the City of New York by Governor Montgomerie. *Endorsed as preceding*. 36 pp. [C.O. 5, 1057. ff. 49-52, 53-58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 95 v.; and (duplicate of covering letter only, *endorsed*, R. in a blank cover, March, 173½) 5, 1093. ff. 332-333 v.]

Dec. 9.  
Boston.

**408.** Governor Belcher to the Duke of Newcastle. *Abstract*. Has laid before the Council and the Assembly the complaint made by Galston and referred to him by his Grace's letter of 3rd Oct. *Encloses* following, showing "the particular steps taken for the better preservation of H.M. woods." Will, as always, do his best to protect H.M. right in the woods, and give encouragement to the Contractor's workmen by putting a stop to any unjust and vexatious prosecutions against them *etc.* *Signed*, J. Belcher. *Endorsed*, R. March 12. 3 pp. *Enclosed*,

408. i. *Copy of The Boston Gazette*, "From Monday December 2 to Monday December 9." No. 799. *Printed*. 4 pp. [C.O. 5, 899. ff. 124-127 v.]

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**409.** Mr. Williams to Mr. Popple. The inclos'd is an extract of a letter Mr. Fotherby read to the Board, which his Excy. Govr. Cunningham has desir'd me to leave with you for their Lordships' use. *Signed*, Saml. Williams. *Endorsed*, Recd., Read 10th Dec., 1734. *Addressed*. 1 p. *Enclosed*,

409. i. Extract of a letter from Richd. Hemings Esqr. one of the Assembly at Jamaica to his aunt at London, dated the 5th July 1734: "I find by unkle's letter he wd. be willing to dispose of his estate here, wch. in my opinion wd. be the best thing he cou'd do. But fear wt. shd. be the strongest motive to induce him to sell will likewise be an objection to the purchaser. For the insecurity of our country occasioned by our slaves in rebellion against us, whose insolence is grown so great that we cannot say we are sure of another day and robbings and murder so common in our roads, that it is with the utmost hazard we travel them; the method's hitherto taken to suppress them, have been attended with unsuccess, and so vast an expence that I can safely say two-thirds of the inhabitants are alredy ruined, and

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tax's from this calamity so high that it is impossible we can long stand under them. *Copy.*  $\frac{1}{2}$  p. [C.O. 137, 21. ff. 126, 127, 131 v.]

Dec. 10.  
New York.

**410.** Governor Cosby to the Duke of Newcastle. *Abstract.* Explains how Mr. Colden obtained a copy of the Council's answers to Mr. Van Dam's complaints, and communicated it to Mr. Morris, with the result that it has been made public in a most scandalous pamphlet containing a very rude reply to those answers. The general behaviour of Mr. Colden is unworthy of the character of a Councilor. He has so little regard to the trust and confidence of his office, and is so closely linked with the opposers of the Government, that he is not ashamed of being made their spy upon all the proceedings of the Council, whose most secret consultations and resolutions are no longer so than while they continue sitting etc. *Set out*, N.Y. Col. Docs. VI, 26. *Signed*, W. Cosby. *Holograph.* 2 pp. [C.O. 5, 1093. ff. 334, 335.]

Dec. 11.  
Whitehall.

**411.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 42 Acts passed in S. Carolina 1733 and 1734. [C.O. 5, 401. p. 117.]

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**412.** [? *Mr. Sharpe to the Duke of Newcastle.*] *Quotes* a notice served upon him by Mr. Ferdinand Paris that he is about to apply to the Committee of the Privy Council to issue the usual order for taking and exchanging proofs in New York upon the complaint of Lewis Morris against the Governor, and transmitting the same to their Lordships. Whereupon Mr. Sharpe observes that, though such an order has often issued where complaints have been made against Governours for breach of their Instructions, or doing arbitrary acts no ways warranted by their Instructions, yet he does not know of any instance where such an order has issued in a case where the Governor had had a power by his Instructions to do the acts complained of, and is by such Instruction required to transmit his reasons for doing it to the Secretary of State. In these cases, the truth of the facts alledged have been allways taken to be so, and whether those facts are sufficient to support the acts done is the matter H.M. will onely consider. The ill consequences arising from such an order are obvious; it would introduce great disturbance in the province, and would be putting the petitioner in some measure on an equality with the Governr. and be attended too with great trouble and expense. *Endorsed*, Rd. from Mr. Guerin.  $1\frac{2}{3}$  pp. [C.O. 5, 1093. ff. 305, 305 v., 306 v.]

Dec. 12.  
Whitehall.

**413.** Council of Trade and Plantations to Committee of Privy Council. In pursuance of your Lordships' orders, dated the first day of the last month, we have considered the Memorial of Henry Cunningham Esqr., H.M. Governor of Jamaica, humbly praying, in regard to the great expence that Island has been att this many years past, in fitting out parties against their rebellious



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negroes, now grown more strong and audacious by the desertion of other slaves, and their success over the parties that have been employ'd to reduce them, as also in consideration of the supply necessary to be raised for the current service of the Island and the many difficulties the people already lye under from their numerous and heavy taxes as well as the great want of currency occasioned by the loss of their trade in general to the Spanish settlements and the establishment of the trade carry'd on by the annual ship sent to those parts by the South Sea Company ; that H.M. will be pleased to restore the legislation of Jamaica to the liberty of laying a small duty on the import and export of negroes, till they shall be in a condition by other methods to raise the necessary supplies for the exigencies of the Government and the support of H.M. forces ordered thither for the protection of the Island. We thought proper upon a matter of this importance, to communicate the purport of Mr. Cunningham's Memorial to the Directors of the South Sea Company, and to the private traders to the Coast of Africa and Jamaica, who having attended us thereupon, laid before us two papers containing their respective objections to the prayer of this memorial consisting chiefly of a deduction of several repns. made heretofore by this Board, the last of which bears date in August 1732, of the decisions made by H.M. in Council upon application from the merchants for the repeal of Acts imposing duties of import and export upon negroes, and of the instructions given thereupon to the Governor of Jamaica not to pass such laws for the future. And it was further suggested in the Merchants' Memorial, that the circumstances of the Island were not so much changed since the last Instructions upon this subject, as to demand any alteration therein, that the method of raising mony by duties of import and export upon negroes would be precarious, and that the necessary supplies might be more easily and effectually raised by a poll tax on the negroes of the Island ; Issue therefore being in some measure joyn'd upon the present circumstances of the Island, it seemed necessary to enquire whether the circumstances of Jamaica were so much altered since the year 1732, as to make it reasonable for H.M. to depart from the tenour of His former Instructions upon this head ; and we demanded of Mr. Cunningham, whether he was able to produce evidence to us of such a variation in the state of Jamaica since the year 1732. Hereupon the humble Address of the Governor, Council and Assembly to H.M. was read, setting forth, that they are so fully perswaded of H.M. tenderness and care for the support and preservation of his people, that they do with the greater assurance and hopes of success implore H.M.'s most gracious assistance in their present dangerous and distressed condition. That the danger they are in proceeds from their slaves in rebellion, that they have for several years pass'd been at an extraordinary and almost insupportable charge to suppress them, and whilst they had any reasonable hopes of succeeding, they declined being too importunate for relief ; but that their attempts against the said negroes having been vain, they are convinced of their own weakness, which is so great that instead of being able

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to reduce the rebels they are not in a condition to defend themselves : That the terror of the rebels spreads itself everywhere, and the ravages and barbarities they commit, have determined several planters to abandon their settlements ; that the evil is daily increasing, and ye success of the rebellious negroes has had such influence on their other slaves that they are continually deserting to them in great numbers, and the insolent behaviour of others gives them but too much cause to fear a general defection, which without H.M.'s gracious aid and assistance must render them a prey to the rebels. They humbly beg H.M. to believe their danger as great at last as they represent it and that this may possibly be the last opportunity they may have of applying for help *etc.* Mr. Cunningham likewise produced several persons of good substance in Jamaica who acquainted us that in their opinion the Island was in a much worse condition than in the year 1732, or at any time before, and for which they assigned the following reasons. That the rebellious negroes were grown more numerous and formidable than they had formerly been, by the frequent desertions of plantation slaves, and the acquisition of arms and ammunition from the defeated parties, which had been sent out against them ; that their frequent success over these parties, one of which, upon application to Sr. Chaloner Ogle, had been joined by a detachment of two hundred sailors, and made altogether a body of five or six hundred men, had so raised the courage of the negroes and depressed that of the white men, that whereas five of the latter would formerly have frightened fifteen blacks, the case was at present so much reversed, that five negroes would be able to frighten fifteen white men. That Port Antonio was in a manner blocked up, insomuch that in March last no person durst stir out of the town ; that the knowledge of this had such an effect upon the temper of the plantation slaves, that in some parishes their masters durst not correct them for any faults, for fear of creating mutinies and of their desertion to the rebels ; That in the three lower parishes of St. Elizabeth, Cabarita and Hanover, the inhabitants were molested to such a degree, that they were forced to erect barracks and maintain constant guards, but that notwithstanding this precaution, they durst not carry their cattle to market by the common roades, but were forced to drive them through ill and round-about ways, very much to the prejudice both of the planter and the chapman, and that these parishes had been at the expence of cutting new roades to avoid the ambushes of the negroes, one of which was seven miles long and 100 foot broad. That to defray the charges of equipping parties against the rebels, poll taxes were frequently laid, and sometimes twice in a year, of one shilling on every negroe, and sixpence on every head of cattle, which with the other taxes for supporting the exigencies of the Government were so great a load upon the middle sort of inhabitants, that the constables were very frequently forced to distrain their effects for non-payment of the taxes, insomuch that it was to be feared common people would desert the Island : And a considerable planter who was present at this examination, added, that in the present exigency he was



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doubtfull whether it might not be most prudent for him to sell off his stock as well as he could, and abandon his estate. Lastly, it was represented to us, that there was very little currency in the Island, and no sums of money to be had but for bills of exchange upon England, and that as to the state of publick credit the Receiver General had often offered 12½ pr. cent for money on publick securities for the sums necessary to defray the charge of the parties, without being able to raise the money. Whereupon we take leave to observe to your Lordships, that in our opinion Mr. Cunningham has made good the allegations of his Memorial with respect to the present distress of the Island, and altho in general it hath been the judgment of this Board that it was not reasonable to permit the people of our Colonies to impose duties upon the trade and navigation of this kingdom, yet it is possible some emergency may arise, which ought to induce the Mother Country to depart for a time from this rule: And as the present circumstances of Jamaica seem to be very deplorable, and that the people of that Island are not able to support themselves without some new assistance, the poll taxes upon their negroes and cattle having by experience been found unequal to the charge of their parties, and no new fund having been suggested which might supply that deficiency it should be considered what may be properly done in this great emergency. With regard therefore to the present circumstances of Jamaica, there seems to be an absolute necessity of giving them some assistance, and if the question be, whether, that aid should come from this kingdom in general, or from those who carry on the trade to Africa, Jamaica and the Spanish West Indies, and are consequently the most immediate gainers by the commerce of this Island, we think that it ought in point of justice to be drawn from the latter, because the nation has already been at a very considerable expence by sending six Independant Companies to Jamaica, and by keeping a squadron of men of war constantly stationed there for their protection, besides the charge of ten thousand pounds pr. annum, which for some years past hath been given by Parliament towards the maintenance of the British forts and settlements belonging to the Royal African Company of England on the coast of Africa, whereby the traders in general to that coast are better enabled to carry on that trade. But notwithstanding the difficulties the people of Jamaica labour under, and the evident necessity there is of giving them some immediate relief in their present circumstances, yet being willing to adhere as nearly as might be to the tenour of your Majesty's last Instruction upon this subject, bearing date the 10th day of December 1731, we would humbly propose that such small duties as shall be laid upon negroes imported, should continue to be paid by the purchaser, and not by the importer; but that the Governr. of Jamaica may be allowed, during the present exigencies of the Island, to give his assent to the laying a small duty upon the export of negroes, which have been actually sold in the said Island, altho such negroes should not continue there during the time prescribed by H.M. said instructions. [C.O. 138, 18. pp. 3-12.]

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[Dec. 12.]

**414.** Abstracts of Governor Hunter's letters, Feb. 22, 1734 and Dec. 24, 1733. 5 pp. [C.O. 137, 55. ff. 3-5 v.]

Dec. 12.

Cape Fear.

**415.** Governor Johnston to the Council of Trade and Plantations. My Lords, your orders to Mr. Burrington of the 30th of May last relating to the naval stores and the other products of the continent of America came to my hands but a few days agoe. Tho I have some reason to be afraid that my answer may come too late to fall under your Lordships' consideration, before you make your report to the House of peers, yet I take this affair to be of so great consequence to H.M. Colonies, in America, that I cannot forbear informing your Lordships of what I have observed since my arrival here. There is more pitch and tarr made in the two Carolinas than in all the other provinces on the Continent, and rather more in this than in South Carolina. But these two commodities (tarr especially) bear so low a price in London (1000 barrels scarce clearing £20 sterlin.) that I find the planters are generally resolved to make no more. I believe that it is principally owing to their own conduct, that the tarr of this country is of so small a value, for in order to make a larger quantity, they make so large and violent fires, in their kilns, as forces all the coarse juices of the lightwood along with the tarr which gives it so hott a quality, that masters of ships have observed it frequently burns their ropes, which makes them very shy of meddling with it. Now if by a gentle fire they would attempt to make nothing but cool tarr, tho the quantity would fall short by one-third, yet in quality they all agree it would equal East country tarr, if not exceed it, for their materials for this manufacture are excellent and in great plenty. But as the loss of one third of a kiln would fall very heavy upon them, they can't pretend to sett about this method unless the Crown will be so good as to allow them the old bounty of 10s. per barrel. If your Lordships approve of this, I humbly propose that the planter in person be obliged to attend the kilns and see that it is cool drawn, and to make oath before the Govr. that it is so, with heavy penalties in case of frauds etc. Tho the publick has allowed so handsome a premium for hemp of the growth of the Colonies, I was surprized to find that there were none raised in this country, tho there are large tracts of fertile land so proper for producing it, I have prevailed with some of the principal men on this river to make an experiment of it against next spring, and hope in a few years large quantities of that usefull product will be sent home from this country. The inhabitants of the southern parts of this province, particularly of the two branches of this large river (which is the best navigation of any between Chesapeak Bay and Cape Florida), are a very sober and industrious sett of people, and have made an amazing progress in their improvements since their first settlement, which was about eight years ago; as a proof of this I find by the Collectors' books forty-two ships went loaded from this river within these twelve months last past. There are now several of them who are planting of mulberries for raising of raw silk, and cultivating vines for producing wine,



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in which they seem very expert; some few are likewise making attempts for oil from the olive and from divers sorts of nutts and seeds which grow almost spontaneously here, for all which both climate and soil seem wonderfully adapted. I heartily wish your Lordships could prevail on the Legislature to grant some encouragement for the three abovenamed usefull commodities, being persuaded they would be of great service to the trade of Great Britain, as this part of North Carolina may justly be called a new country, it is easy to direct the industry of the inhabitants into what channels you think proper. But if their first attempts to raise such products as England pays ready money for to foreigners are not favoured in the beginning, I am afraid they may at length fall into such manufactures as may interfere with, and be prejudicial to, those at Home. As the ship by which I send this sails to-morrow, I shall defer to send your Lordships an account of the state in which I found this country upon my arrival here, till next opportunity. *Signed*, Gab. Johnston. *Endorsed*, Recd. 26th Feb., Read 3rd Sept., 1735. 3 pp. [C.O. 5, 294. ff. 187-188 v.; and (*duplicate, endorsed*, Recd. 6th March, Read 3rd Sept., 1735.) ff. 192-193 v., 194 v.]

Dec. 16.

**416.** Mr. Fane to the Council of Trade and Plantations. Four reports signifying that he has no objection to 20 out of 21 Acts of New York of 1732. But upon the 21st, *to repeal an Act and cancel bills of credit etc.*, *observes that*, "a very high duty is laid upon the importation of negroes into this Colony, which I apprehend to be contrary to the Governor's Instructions and very detrimental to the trade of this Kingdom."  $1\frac{1}{4}$ ,  $1\frac{1}{4}$ ,  $1\frac{1}{4}$  and  $1\frac{1}{4}$  pp. [C.O. 5, 1057. ff. 13-16 v.]

Dec. 17.

Custom Ho.  
London.

**417.** Mr. Carkesse to Mr. Popple. Mr. Peagram the Surveyor General of the Northern part of the Continent of America having by his letter dated the 28 Octor. last acquainted this Board that the Assembly of New York have passed an Act *etc. to lay a duty of tonnage on vessels* for the term of six years to commence from the 1 July last, wherein there is a clause subjecting the Officers of the Customs to penaltys in case they clear any vessels before the said duty is paid. And the Sollicitor being of opinion that the Officers ought not to refuse to clear a ship where the Master hath complied with the Acts of Parliament, and that, if he does refuse that, the Master may bring an action against such officer *etc.*, *requests* copy of said Act. *Signed*, Cha. Carkesse. *Endorsed*, Recd. 18th, Read 20th Dec., 1734. *Addressed*. 1 p. [C.O. 5, 105. ff. 3, 8 v.]

Dec. 17.

Whitehall.

**418.** Council of Trade and Plantations to Lord Harrington. Since our representation of the 5th instant *etc.*, we are informed that about fourscore of the said Swiss are already arrived; we therefore desire your Lordship will be pleased to receive, as soon as may be, H.M. directions upon our aforesaid representation *etc.* *Autograph signatures*. 1 p. [C.O. 5, 383. f. 19; and 5, 401. p. 117.]

1734.

Dec. 19.  
Whitehall.

**419.** Council of Trade and Plantations to the King. Representation upon petition of inhabitants of S. Carolina, complaining of the Governor obstructing them in obtaining grants for land they had surveyed pursuant to warrants granted for that purpose. *Quote* opinion of Attorney General with which the Lords Commissioners of the Treasury concur *etc.* *Conclude* :—As we agree *etc.*, we would humbly propose that your Majesty's orders should be given to Colo. Johnson, the present Governor of S. Carolina, in conformity to the Attorney General's opinion *etc.* But humbly submit whether it may not be reasonable that the several claims and pretensions, whether legal or equitable, should not be examined and adjudged by the Barons of your Majesty's Court of Exchequer in S. Carolina, lately erected by Governor Johnson, in a summary way, with as little expence as possible to the suitors *etc.* [*C.O.* 5, 401. *pp.* 118–126.]

Dec. 19.  
St. James's.

**420.** Order of King in Council. Confirming Act of Montserrat, 1734, for providing an honourable support for H.E. *etc.* Signed, Temple Stanyan. Endorsed, Recd. 31st May, Read 12th June, 1734 [*sic* = 1735]. 1½ *pp.* [*C.O.* 152, 21. *ff.* 30, 30 v., 31 v.]

Dec. 19.  
Whitehall.

**421.** Council of Trade and Plantations to the Committee of the Privy Council. Pursuant to order of 1st Nov., enclose following. *Annexed*,

421. i. Draft of H.M. Additional Instruction to Governor Johnston. ("Given at our Court at St. James's the 13th day of Feb. in the eighth year of Our reign.") Colonel John Peter Purry of Neuxchatel in Swisserland, who, by our permission, hath undertaken the settlement of a certain number of Swiss families in a township marked for that purpose in Our Province of St. Carolina, now known by the Name of Purrysburgh, and has made considerable progress therein, having, by petition, humbly represented to us, several matters relating to the welfare of the said settlement; we have taken the same into Our Royal Consideration together with the report of the Lords of the Committee of Our Council and of Our Commissrs. for Trade and Plantations thereupon and being graciously disposed to grant Our protection to the said settlement, for the better encouragement thereof, We have thought fit to declare Our Royal Will and Pleasure thereupon, and you are hereby directed to cause the lands within the compass of six miles round the township of Purrysburgh on that side the river where the said township is situated, wch. were originally intended by Our Royal Instructions to you for the bounds of that township, and set apart for that purpose by the Proclamation published in our name on the first day of Sept. 1731, to be forthwith surveyed, notwithstanding any surveys which may have been made thereof since the place for the sd. town of Purrysburgh was pitch'd upon and marked by the said Col. Purry,



1732. [421 i.]

which lands so set apart, shall be reserved for the use of the said town, and for such Swiss or other foreign Protestants as the said Col. Purry or his Agents have, or shall transport to Carolina, in order to settle and occupy the same ; as also to answer the intended grant of forty-eight thousand acres of land to him ; and whereas some of the most substantial and prudent inhabitants have been or may be employed in directing and assisting others to make their respective settlements, it is Our Will and Pleasure, that in consideration of their charges and trouble they be allowed, and you are accordingly to grant to them respectively, such additional quantities of land within the limits of the aforesaid six miles round the said township of Purrysburgh, as you shall think an adequate reward for their services, provided always that the additional lands, so to be granted to any one single person, shall not exceed three hundred acres, and that their services be first certify'd to you by the said Col. Purry. You are likewise hereby directed to grant to such of the inhabitants whose lotts of land are situated on the rivulet which runs through Purrysburgh, double lotts of land in the said town in consideration of their extraordinary charges and labour in cleaning the said rivulet and draining a swamp or morass situated within that town, which is become necessary both for health and convenience ; and as several foreign Protestants well skilled in the production of silk and wine, who have been obliged to fly their country in Germany and other parts of Europe for the sake of their religion, are willing to go and settle at Purrysburgh, it is Our Will and Pleasure, that they be reputed, and you are to receive them amongst the number of Swiss Protestants which Col. Purry hath obliged himself to carry or cause to be carryed to that place, in order to entitle him to the forty-eight thousand acres of land which We have been graciously pleased to allot him in Our said Province of St. Carolina in consideration thereof. *Signed*, G.R. *Copy*. [C.O. 324, 36. pp. 494-497 ; and 5, 401. pp. 128-132.]

Dec. 20.  
Whitehall.

**422.** Council of Trade and Plantations. Offer for H.M. disallowance Act of New Jersey *for the better enforcing an ordinance made for establishing fees, and for regulating the practice of the law*, "as the same is of an extraordinary nature, containing many absurd clauses and provisions, that vary from the law of England, and tend to weaken the security of the creditor, and as this Act has not a clause therein for suspending the execution thereof till your Majesty's pleasure thereupon should be known" etc. [C.O. 5, 996. pp. 369, 370.]

Dec. 20.  
Whitehall.

**423.** Council of Trade and Plantations to the King. An Act was passed in your Majesty's Province of New Hampshire

1734.

[423]

on the 3rd day of December 1730, entitled *An Act for removing three of the Courts of General Quarter Sessions of the Peace and Inferior Court of Com. pleas from Portsmouth to Exeter, Hampton and Dover.* We have considered this Act, and can see no reason for removing the abovementioned Courts from Portsmouth, which is the capital of New Hampshire and much more populous than any other town of that Province. And should the Courts of Justice be established at Exeter, Hampton and Dover where there are a great number of law tryals, we apprehend this might give great encouragement to the destruction of your Majesty's woods, because these towns being the chief seats of the loggers or wood cutters, it would be very difficult, if not impracticable, to find a jury there who would give an impartial verdict betwixt your Majesty and the offenders; for which reasons we humbly take leave to lay this Act before your Majesty for your disallowance. [C.O. 5, 917. pp. 105, 106.]

Dec. 20.  
Antigua.

**424.** Governor Mathew to Mr. Popple. *Duplicate* of 26th Nov., with addition:—I am to add to the above duplicate, that Francis Carlisle Esq. dyed in this Island the 26th November, by his death there is a vacancy in the Council of Antigua. *Signed*, William Mathew. *Endorsed*, Recd. 30th July, 1735. *Holograph.*  $\frac{3}{4}$  p. [C.O. 152, 21. ff. 98–99 v.]

Dec. 20.  
Whitehall.

**425.** Mr. Popple to Mr. Carkesse. The Act of New York, requested 17th instant, has not yet been transmitted to this Office *etc.* [C.O. 5, 1125. p. 320.]

Dec. 24.  
Whitehall.

**426.** Duke of Newcastle to the Council of Trade and Plantations. Encloses for their report copy of letter from Governor Mathew and of a "treaty concluded, in July last, by the Governor of Martinico and the Dutch Governor of the Island of St. Martin, by which it is agreed, that not only a neutrality shall be observed between the French and Dutch inhabitants of the said Island, if a rupture should happen between France and Holland, but that they shall assist each other, when either is attackt *etc.*; the like conditions are thereby also stipulated for St. Bartholomew, an island possessed by the French" *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd. 28th Dec., 1734, Read 2nd Jan., 173 $\frac{1}{2}$ . 1 $\frac{1}{2}$  pp. *Enclosed*,

**426. i.** Governor Mathew to the Duke of Newcastle. Antigua, Sept. 14, 1734. The Dutch and French, our next neighbours, have concluded a treaty of Neutrality for the islands of St. Martin and St. Bartholomews, that inevitably in case of a war cuts off all communication between Montserat, Nevis and St. Christophers, and Great Britain and Ireland for ships bound hence and thither. *Encloses copy* "sent to me by the Dutch Governor of Sta. Eustacia, upon my sending to him for it." *Prays* His Grace to hear the Agent upon it *etc.* *Signed*, William Mathew. *Same endorsement.* *Copy.* 1 p.



1734.

426. ii. Treaties of Neutrality between the Dutch and French in the West Indies relating to (i) St. Martin, and (ii) St. Bartholomew, 14th July, 1734. Article (i) provides that the inhabitants of St. Martin, both Dutch and French, in case of a war between France and Holland, will remain neutral, and in case of attack by any nation whatsoever, will render each other mutual assistance. Or if the French or Dutch inhabitants are attacked (Art. ii and iii) the said inhabitants, both Dutch and French, shall be permitted in time of war to have two vessels each commissioned to bring supplies of munitions of war and provisions without hindrance. (iv) No person of any nation shall in time of war be permitted to send to St. Martin any negroes or other effects to save them from the enemy, except those who shall take refuge here in order to settle and remain with their families *etc.* (v) The same neutrality shall be observed by the inhabitants of St. Bartholomew *etc.* *Signed*, Richart (Marquis) de Champigny, Governor of Martinique *etc.*, and Nicholas Salomon, Dutch Plenipotentiary appointed by the Governor of St. Eustatius and Lt. Governor of St. Martin. *Same endorsement. French. Copy.* 6 pp. [C.O. 152, 20. ff. 168-169, 171 v.-174 v., 175 v.]

Dec. 25. **427.** Petty expenses of the Board of Trade, Michaelmas to Christmas. v. Journal. 6 pp. [C.O. 388, 80. ff. 115, 116, 117, 118-119.]

Dec. 31. **428.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose accounts of incidental charges of the Office, Michaelmas to Christmas, and request payment of quarter's salaries now due. v. Journal. [C.O. 389, 37. pp. 358, 359.]

[1734.] **429.** Mr. Coope to the Duke of Newcastle. Encloses following, "in order to know if it be acceptable" *etc.* *Concludes*: I wish there had not been notice taken in the Address of the application of the money raised upon the sale of the French lands *etc.* *Signed*, Ric. Coope.  $\frac{3}{4}$  p. *Enclosed*,

429. i. Address of the Governor, Council and Assembly of Antigua to the King. St. Johns, 11th June, 1734. *Congratulate* H.M. on the marriage of the "Princess Royal with the heir of Our Glorious Deliverer King William III" *etc.* Protestant nations in ages to come will join in acclamations *etc.* *Signed*, William Mathew, Edwd. Byam, 8 other Councillors, Ashton Warner, Speaker, and 12 other Assemblymen. 1 large p.
429. ii. Address of the Lt. General of the Leeward Islands, Lt. Governor, Council of St. Christophers to the King. July 22, 1734. *Similar congratulations*, "We presume to say that it hightens our satisfaction, and we value it

1734. [429 ii.]

as a great honour to us, that it was your Majestie's Royal pleasure, that monies raised to your Majesty in this Island should be appropriated to serve so great and happy an occasion *etc.* *Acknowledge* with grateful hearts the wisdom, justice and mildness of H.M. administration *etc.* *Continue* : It is a particular happiness we owe to your Majesty, that in your auspicious reign, we find the importance of the Sugar Colonies to our Mother Country more fully considered and understood, We see laws made to retrieve the sinking state of these islands, with respect to our product, and we are assured of your Majestie's protection by a sufficient naval force, against the attacks or insults of any power that may invade us. *1 large p. Torn.* [C.O. 152, 44. ff. 25, 27-28, 29 v., 30.]

[? 1734.]

**430.** Some queries, by Governor Cunningham, concerning the troops at Jamaica. (i) How are the Companies to be recruited, there being none, or few recruits in Jamaica, and it being impossible for the Captains to recruit for Great Brittain and keep their companys anything near to compleat, out of their non-effective money. (ii, iii) In what manner are officers' vacancies to be supplied. If by warrant from the Governor, until H.M. Commission arrives, if such person be superseded, how is he to be paid *etc.* (iv) At what times, and at what exchange are the Companys to be paid their sterling pay ? (v) Are the two old Companys to be kept constantly in the garrisons at Spanish Town and Port Royal, or to be ordered out in their turn against the slaves in rebellion *etc.* Troops cannot be transported from one part of the island to another, but at considerable expence. (vi) Are Court Martials to be held as directed by the Act for punishing mutiny *etc.*, and what is to be done when that Act expires, March 25th, 1735 ? *Without date or signature.* *1½ pp.* [C.O. 137, 55. ff. 136, 136 v.]

**431.** Reply to preceding. (i) The surest and best way will be from Gibraltar *etc.* (ii) It seems necessary the Governor should have such power, subject to H.M. confirmation. Such officers to be paid till superceded, and from that time till the officer arrives in Jamaica the pay to be divided between them. (iv) At certain times and in the currency of the country at a reasonable exchange. (v) No distinction between the companies. Troops are easily transported by sloops and not at a great expence. (vi) The Act may be presumed to be always renewed before expired ; or may be supplied by an Act of the country. It may be necessary to send a Field Officer to command the whole and preside at Courts Martial *etc.* *Without date or signature.* *2 pp.* [C.O. 137, 55. ff. 138, 138 v.]

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1756.

**432.** Abstracts of letters from South Carolina. [C.O. 5, 327. ff. 21 v.-33 ; and 5, 406. ff. 18-55.]



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- 1731-**433.** Abstract of letters *etc.* from Jamaica, since the arrival  
1734. of the two Regiments there (1731-1734). ? *By Charles Delafaye.*  
30 $\frac{1}{4}$  pp. [C.O. 137, 55. ff. 25-40.]
1734. **434.** Correspondence of Commandants of Essequibo with the  
Directors of the Dutch West India Company. [C.O. 116, 27.]
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## JANUARY, 1735.

1735.

Jan. 2.  
Whitehall.

**435.** Mr. Popple to John Oxenford. My Lords Commissioners *etc.* desire as soon as may be an account of the quantities of pitch, tar and turpentine, which have been imported into this Kingdom from the Plantations since the passing the Act *for the better preservation of H.M. Woods in America and for the encouragement of the importation of Naval Stores from thence etc.*, in the 2nd year of His present Majesty's reign distinguishing each year, and the Province from whence imported. [C.O. 329, 12. p. 78.]

Jan. 2.  
Whitehall.

**436.** Council of Trade and Plantations to the King. Recommend Josiah Martin for the Council of Antigua, in the room of John Morris decd. [C.O. 153, 15. p. 277.]

Jan. 4.  
Jamaica.

**437.** President Ayscough to the Council of Trade and Plantations. *Describes preparations* for Expedition against the rebellious negroes, under Martial Law, as in his letter to the Duke of Newcastle, Dec. 6, 1734. *Continues* :—To give a better countenance to this expedition and to encourage the men to go on cheerfully, I went with five Gentlemen of the Council to the barracks in the parish of St. Thomas in the East within ten miles of the Rebels' Town, in order to see the men well fitted out with all manner of necessaries, in their march, and stayed in those parts above a month and did not quitt the parish, untill I had advice that the Negro Town was taken : I have inclosed to your Lordships a copy of a letter from Colo. Brooks himself, for your Lordships' more particular information. The excessive rains, which has fallen there has occasioned a sickness among our men, and has hindred us from makeing any farther progress, as yett, untill the weather does change in our favour. Being now in possession of the town, we are going to build a defensible barrack there, and have ordered Capt. Harris of one of the Independent Companies to march to the Negro Town and encamp there, and as soon as ever the weather will permitt shall send two hundred of the best woodsmen or more to range the woods and pursue them, in order to prevent them from settling again in any great body in any other part, which scheme I hope will be approved of ; nothing shall be wanting on my part my Lords for the service of H.M. and the good of this Island. I have received this day another express from Colo. Brooks of the 29th of December last, which I likewise here inclose to your Lordships, wherein he gives an account, that as soon as he had one day of fair weather, he sent out three detachments, to make what discovery they could of the rebells, and of their tracks, and that they saw twenty huts behind a hill, near the Negro Town, where they found several



1735. [437]

negroes dead, from which account, I conclude that they fled in such precipitation that they left some of their arms and their dead behind them. I expect every day to hear of greater consequences of this success of which I shall not fail of taking the first opportunity to communicate to your Lordships. *Signed, J. Ayscough. Endorsed, Recd. 3rd March, Read 11th July, 1735. Addressed. Sealed. 2 large pp. Enclosed,*

437. i. Col. Brooks to President Ayscough. From the Negro Town, Dec. 19, 1734. On Munday the 16, 1734, we marched from the Blew Mountain Ridge, from whence I wrote to your Honour last and at night gott within a mile of the Negro Town; after being the whole day in the rain was forced to sitt up all night in our wett cloaths without either fire or candle, for fear of being discovered by the rebels, the rains continued all night, that it was so dark, we could not attempt them till ten a clock the next day, at which time I ordered Captn. Burbery, Capt. Stodderd, Capt. Wynder and Mr. Dunston, who I appointed to command Major Swarton's company, to march into the Negro Town; with their proper officers and their companies they gott in sight of the town before they were discovered; and as soon as the negroes discovered them, they sett most of their houses on fire and then fired a volley at our people, which ours returned, and entered the town, and took one of their ambuscades, but they kept the principall one, and fired at our men all the day: I stayed on the hill on which I lay all night and guarded the ammunion and provisions with the rest of the men, it being our whole dependance, did not think proper to trust it to anybody else. I hearing them pritty smartly engaged sent a detachment of fifty men, under the command of Lieut. Garland, Lieut. Witter, and Ensign Allen, to their assistance, who immediately joyned them; next morning Capt. Stodderd sent to me to come to their assistance and bring the suivle guns, to drive them out of their ambush, and I immediately went, but before I gott in, eight or ten of our men run in with their guns and pistols, and came muzzle to muzzle and beat them out, with only the damage of one man wounded; I gott in soon after, we had two men wounded, in takeing the town and one by taking the ambuscade, they continued firing at us all day, from the top of the hills and do so still; we have killed several, but have gott none, for they carry all off, I have not heard of Major Munsby yett, nor cannott spare men to send for him yett, our men being many of them sick, and many deserted and the negroes continuing, showing themselves on the hills round us, and often firing on us, in the night, as well as day, and endeavouring to suppress us but our men are all on constant duty; so that we have no body to spare. Our provisions are all out, and spoiled, and having nothing

1735. [437 i.]

for the men to eat but the cocoa's and as we have no men to spare, to send, desire your Honour will send a detachment, with some rum, sugar, butter, rice, oatmeal and flower and other provisions for our people, and some ammunition, for ours groes scarce, and if we are not speedily releived, with these things our men will all come away. If I can, possibly, will send some men to meet the provisions and favour the ambuscades, but begg your Honour will send a sufficient guard with what you send us or they may be intercepted ; for the path is very bad, and cannot be made any other than a foot path above four miles this side Mr. Burnett's ; I hope your Honour will send the soldiers to take possession of the town, as soon as possible, for most of our men are very uneasy, as well as myself, to be at home to take care of their own private affairs and gett assistance for our families, whom we have left by this short notice, we had of comeing here, but very bad provided, tho' we are all determind to keep the place as long as we can gett anythink to support ourselves on, and hope your Honour and the Honble. Gentlemen of the Council will releive us as soon as possible : The men are much in want of shoes, stockings and warm cloathing such as baze and ozenbriggs for to make them frocks, also hatts for we have rains continually here, I think proper to acquaint you, that our men are deserted so from us, that we have not above three hundred shott white and black left now, the pioneers have lost their bills and axes most of them, and send them back as soon as I can afford a guard to return them with safety, and this is from etc. *Signed*, George Brooks. I am much indisposed with a violent cold and gott it by being continually wett, night and day almost ever since I came out and begg your Honour will lett me be releived before I am to weak to travel home, for if I am it will be impossible for me to gett home any other way ; this road is such as will not admit of any other. *Endorsed as preceding.*  
2 large pp.

- 437 ii. *Same to Same.* Negro Town, Dec. 29, 1734. Thanks for promise of relief, and for supply of provisions, though the negroes made away with the greater part on the road. They have had only one dry day since they left Burnett's. On that day he sent out parties to search for the rebels and provisions. They saw no sign of the rebels etc. When this place is fortified, 100 men will suffice to defend it, and 150 more to be sent out in flying parties will be sufficient to drive out all the negroes from these parts. Several dead negroes have been found and some fire arms that were burnt in their houses etc. *Signed*, George Brooks. *Same endorsement.* Copy. 1 large p. [C.O. 137, 21. ff. 196, 197-199, 200 v., 201 v.]



1735.

Jan. 4.  
Jamaica,  
Spanish Town.

**438.** President Ayscough to the Duke of Newcastle. *Repeats gist of preceding covering letter. Signed, J. Ayscough. Endorsed, R. 3rd March. Addressed. 1½ pp. Enclosed,*

438. i., ii. Duplicates of preceding encl. i., ii.

438. iii. Minutes of Council of Jamaica, 24th and 25th Oct., 1734. *Copy. 6½ pp. [C.O. 137, 55. ff. 140, 141, 141 v.-142 v., 144, 146-148.]*

[Jan. 7.]

**439.** Mr. Yeamans, Agent for Antigua, to the Council of Trade and Plantations. The powder act which lays a duty of three pound of pistoll powder a ton on every vessell that enters there will expire in February. The Island in the precarious circumstances the Nation is now in with regard to peace or war, is preparing another act to the same purpose, but they have reason to apprehend that the Commander in Cheif, from the restraint he is under by his 23rd Instruction, will refuse his assent thereto. All the stores of warr wch. H.M. is pleased to send the sd. Island, and all the expences of ye Crown or ye sd. Island for their own defence will be rendered fruitless without a sufficient supply of powder, of wch. their magazines are now entirely empty, partly occasion'd by ye sd. Island's constantly furnishing H.M. Regiment there with powder, the only requisat in H.M. service that is not provided from hence *etc.* *Prays that the rigour of H.M. 23rd Instruction may be waived etc. Endorsed, Recd., Read 7th Jan., 1734. 2 pp. [C.O. 152, 20. ff. 178, 178 v., 179 v.]*

[Jan. 7.]

**440.** Lewis Morris to the Duke of Newcastle. My lameness which confines me to my chamber and my chair has hitherto prevented me from waiting on your Grace *etc.* My businesse was to sollicite my being restored to my office of Chief Justice of New York *etc.* I hope to shew that his Excellency's informers have deceived him *etc.* *He never intended to shew H.E. any personal disrespect, but had the highest veneration for the noble family into which he is married and was heartily disposed to be serviceable to him etc. Continues:—*He governs a quiett, easie and good natur'd people; but withall a people that will not bear what they think ill usages without complaining; and I have reason to believe many such and some of them of a flagrant nature wil ere long reach your grace's ears from New York, or New Jersie, or both *etc.* *Signed, Lewis Morris. Endorsed, R. Jan. 7th, 1734. 2 pp. [C.O. 5, 1093. ff. 336, 336 v., 337 v.]*

Jan. 8.  
Custom House.

**441.** Mr. Oxenford to Mr. Popple. In reply to 2nd Jan., encloses following. *Signed, John Oxenford. Endorsed, Recd. 8th, Read 16th Jan., 1734. ¾ p. Enclosed,*

441. i. Account of pitch, tar and turpentine imported from the Plantations 29th Sept., 1729—Christmas, 1733,

1735. [441 i.]

	From the 29 Sept., 1729, to Xmas 1729.		From Xmas 1729 to Xmas 1730.		From Xmas 1730 to Xmas 1731.		From Xmas 1731 to Xmas 1732.		From Xmas 1732 to Xmas 1733.	
	Pitch and Tar. <i>Last. B.</i>	Turpentine. <i>cut. grs. li.</i>	Pitch and Tar. <i>Last. B.</i>	Turpentine. <i>cut. grs. li.</i>	Pitch and Tar. <i>Last. B.</i>	Turpentine. <i>cut. grs. li.</i>	Pitch and Tar. <i>Last. B.</i>	Turpentine. <i>cut. grs. li.</i>	Pitch and Tar. <i>Last. B.</i>	Turpentine. <i>cut. grs. li.</i>
Antigua ..						24 0 0		15 0 0		14 0 2
Barbados ..			7 0						28 0	177 1 22
Carolina ..	208 9	202 0 0	1025 3	2354 3 21	2120 0	4457 3 0	2699 5	4656 0 23	2760 4	8553 0 21
Jamaica ..						150 0 0	147 10	128 0 20		266 0 0
New England ..	863 0	4555 3 16	1140 1	8966 0 23	1330 5	11673 2 21	1842 3	13080 2 10	2091 0	12782 0 21
New York ..	26 1	506 2 21	57 2	1579 0 20	83 0	2685 0 16	151 10	301 1 22	168 8	393 1 8
Nova Scotia ..				2 0 0						
Pensilvania ..	15 2	72 2 16	26 1	494 1 1	218 6	2540 2 25	133 4	1937 2 20	350 8	3497 1 9
St. Christophers				80 2 0		28 1 0		13 1 0		
Virginia and Maryland ..			487 8	68 0 0	209 10	2 1 20	894 4		725 3	7 0 0
West Indies ..			11 11							
Total ..	1113 0	5337 0 25	2755 2	13545 0 9	3961 9	21561 3 26	5869 0	20132 1 11	6123 11	25690 1 27

[C.O. 323, 10. ff. 13, 14, 16 v.]



1735.

Jan. 8.  
Treasury  
Chambers.

**442.** Peter Leheup to John Courand. I take the liberty to inclose to you an Address sent to me as Agent for Virginia by the Governor there, at the close of which is a strong article relating to the Excise which the Governor desires his Grace the Duke of Newcastle may be acquainted with first, that in case his Grace should not approve of the part relating to the Excise it may be left out in the printing. I beg you will take his Grace's directions upon it and if he approves it as it is that it may be printed in the Gazette as presented by the Earl of Orkney Govr. of Virginia. *Signed*, Peter Leheup. *Endorsed*, *Mem.* It was thought improper to print this address. 1 p. *Enclosed*,

442. i. Address of the Council and Burgesses of Virginia met in General Assembly to the King. We your Majesty's most dutiful and loyal subjects the Council and Burgesses of your most antient Colony in America, take the first opportunity to congratulate your Majesty upon the happy marriage of the Princess Roial to his Serene Highness the Prince of Orange; whereby your Majesty's consummate wisdom and tender regard to your people is manifested to all the world; your dominions and the Protestant religion receiving an additional strength from this intimate alliance with a Prince of that illustrious House, no less eminent for his own personal virtues, and good qualities, than for the lustre of his lineage, which in several descents has been adorned, with some of the best of men, and as great heroes as any age can boast of. To one of them we owe not only all that we now enjoy, but a security for everything we can hope for in times to come, in the settlement of the Crown in your Majesty's family; whose enemies must now be confounded and ashamed when they contemplate that good Providence which placed your Roial Father of Blessed Memory, and hath preserved your Majesty, upon the throne of your ancestors; and the hopeful prospect your numerous issue affords to all your good subjects. At the same time give us leave with all humility and gratitude to acknowledge your Majesty's exceeding grace to the people of this Colony in your favourable acceptance of our Address at our last session, and to return to your Majesty our sincere thanks for the countenance, you were pleas'd to give to our complaint of the hardships the planters of tobacco labour under; and tho' it was unfortunate for us that our interests and the interests of those, whose opposition prevailed, were irreconcilable; we have abundant reason to admire your Majesty's impartial justice and constancy upon that occasion: when no claims how universal soever could change of our good purposes, or divert your detestation of oppression and fraud, however disguised or supported by names and sounds. Yet our consolation is that the consciences of many who glory in the success of their

1735. [442 i.]

misrepresentations will continually bear testimony against them ; and that we have been thought worthy to be considered by your Majesty who (if our wishes prevail) will long continue to reign over us, for your own glory, and the happiness of all your people. *Signed*, (for the Council) James Blair, (for the House of Burgesses) John Randolph, Speaker. *Endorsed*, R. (from Mr. Leheup), Jan. 8, 1735. (*v. preceding*). 1 large p. [*C.O.* 5, 1337. *ff.* 170, 171 v., 172, 172 v.]

Jan. 9.  
St. James's.

**443.** Order of King in Council. Granting petition of Richard Shelton, and ordering that the Governor of S. Carolina pass a grant to him of 12,000 acres, reserving only a pepper corn rent, with a clause restraining petitioner from taking up any part of the said 12,000 acres within six miles of and round any of the townships, which now are, or shall hereafter be erected pursuant to H.M. 43rd Instruction *etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 1 $\frac{3}{4}$  pp. [*C.O.* 5, 364. *ff.* 29, 29 v., 30 v.]

Jan. 9.  
Boston.

**444.** Governor Belcher to Duke of Newcastle. The 1st currt. I adjourned the Assembly of this Province (after sitting six weeks) to the 9th of April next, and now enclose their journals *etc.*, and am glad to inform your Grace that I have prevailed with this Assembly to establish a bounty of £58 p. ton on all hemp raised in this Province and £37 p. ton on flax for three years to come, and the Assembly seem to be full of duty and loyalty to His Majesty and all things are become easy in this Province. As the raising of hemp here may be of vast service to the Royal Navy, I shall be constantly doing everything in my power to promote it ; and I am now humbly to beg of your Grace to interpose your good offices, that His Majty. might send, as a present to the poor farmers here, a thousand bushels of best Riga hemp seed ; altho' the cost would not be great, yet the poor people here that are well disposed to the raising of hemp, would bless the King and your Grace for ever for such a bounty, and I am afraid the matter will be retarded the next year without it, for I am told there is hardly two hundred bushels of seed in the whole Province, and were there seed, the farmers are so poor they could not purchase it. Let me then again humbly beseech your Grace for His Majty.'s assistance, that a design of such advantage to the Crown may not be frustrated. *Signed*, J. Belcher. *Endorsed*, R. 12 March. The original sent to Mr. Sharpe, March 19. 1 $\frac{3}{4}$  pp. [*C.O.* 5, 899. *ff.* 128, 128 v., 129 v.]

Jan. 9.  
St. James's.

**445.** Order of King in Council. Confirming Act of St. Kitts, 1732, *cutting off the entail of Clement Crooke's estate etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 1 $\frac{1}{2}$  pp. [*C.O.* 152, 21. *ff.* 29, 29 v., 32 v.]



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Jan. 9.  
Whitehall.

**446.** Council of Trade and Plantations to Committee of Privy Council. *In answer* to petition for repeal of Act of Jamaica for raising several sums etc. (v. 1st Nov., 1734), *represent that*, "the said act not being inconsistent with H.M. Instructions upon this head, to the late Governor of Jamaica, we are humbly of opinion that H.M. should not be advis'd to repeal it." [C.O. 138, 18. pp. 12, 13.]

Jan. 11.  
Jamaica,  
Spanish Town.

**447.** President Ayscough to the Council of Trade and Plantations. My Lords, nothing material since my last of the 4th inst., has occurred, but that we continue in possession of the Negro Town, and have since sent the Independent Company, of Capt. Benjamin Harris, with a detachment of thirty men more, out of two other Companies, under his command, to be barracked there; which will prove more healthy to them, than any other place, in regard, that the soldiers can come at no rum, but what they can have by the direction of their officer, for tho' they have been quartered in the plantations in the country, the King's Bounty money has furnished them with such a quantity of it, that almost one half of them are now sick, and several are dead. I take this opportunity, to inform your Lordships, that, agreeable to a proposal, recommended by your Lordships, to the late Governor Hunter, of capitulating with the rebellious negroes, to the end, that they may be made either usefull to the country, or shipped off to some other of H.M. Dominions; this would have been putt into execution; but a proper person could not then be found, but since the arrival of the forces one Mr. Bevil Granvill, whom I have appointed a Lieut. till H.M. pleasure is known, has undertaken to carry in person, ye terms of Peace, and Freedom, to the rebels; he sets out tomorrow morning to find them out, with proper instructions for that purpose; should he prove successfull, it will be of great service to the King and country, and save the expence of many thousand pounds. In my next I hope to give your Lordships, a better account of this intended Treaty. *Signed*, J. Ayscough. *Endorsed*, Recd. 3rd March, 1734, Read 11th July, 1735. *Addressed*. 1 p. [C.O. 137, 21. ff. 202, 205 v.]

Jan. 11.  
Jamaica,  
Spanish Town.

**448.** President Ayscough to the Duke of Newcastle Duplicate of preceding, *mutatis mutandis*. *Signed*, J. Ayscough. *Endorsed*, R. 3rd March. *Addressed* "on His Majesty's service." 1 p. [C.O. 137, 55. ff. 149, 150 v.]

Jan. 13.  
Whitehall.

**449.** Order of Committee of Privy Council for Plantation Affairs. Referring following to the Council of Trade and Plantations for their report. *Signed*, W. Cary. *Endorsed*, Recd. 14th, Read 29th Jan., 1734. 1 p. *Enclosed*,

449. i. Petition of John Yeamans to the King. Similar to that of Jan. 7 *supra*. *Prays* for permission for the Governor of the Leeward Islands to pass a new powder act under such restrictions as H.M. should think proper. *Copy*. 1½ pp. [C.O. 152, 21. ff. 2, 3, 3 v., 6 v.]

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Jan. 13.  
Whitehall.

**450.** Order of Committee of Privy Council. Approving report of Council of Trade upon Mr. Yeamans' petition (7th Jan.), and ordering them to prepare an additional Instruction to the Governor of the Leeward Islands to give his assent to a Powder act on the conditions proposed by them. *Signed*, W. Sharpe. *Endorsed*, Recd., Read 20th Feb., 173 $\frac{1}{2}$ . 1 p. [C.O. 152, 21. ff. 9, 14 v.]

Jan. 13.  
Whitehall.

**451.** Order of Committee of Privy Council. Referring to the Council of Trade and Plantations for their opinion thereon, three acts prepared by the Trustees for establishing the Colony of Georgia, (i) an act for maintaining the peace with the Indians in the Province of Georgia; (ii) for rendering the Colony of Georgia more defensible by prohibiting the importation and use of black slaves or negroes; (iii) to prevent the importation and use of rum and brandies *etc.* *Signed*, W. Cary. *Endorsed*, Recd. 28th Jan., Read 6th Feb., 173 $\frac{1}{2}$ . 1 p. [C.O. 5, 364. ff. 12, 17 v.]

Jan. 13.  
Whitehall.

**452.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report, *etc.* *Signed*, W. Cary. *Endorsed*, Recd. (from Mr. Paxton) 31st Jan., Read 12th Feb., 173 $\frac{1}{2}$ . 1 $\frac{1}{2}$  pp. *Enclosed*,

452. i. Petition of Robert Wright, Chief Justice, S. Carolina, to the King. Aug. 12, 1734. Since the ratification of the Act complained of in Petitioner's petition to H.M. Dec. 7 last, the Assembly has passed another act on 9th April, *for the better regulating the Courts of Justice etc.*, which contains many clauses which have no proper relation to each other, are foreign to what the title of the act imports, and perpetual tho' parts of a temporary law, expressly contrary to H.M. Instructions, manifest infringements of the Prerogative, repugnant to the laws of Britain, and generally prejudicial to private property and the publick administration of Justice as well as injurious to your petitioner in the Commission from H.M. *etc.* Before the ratification of the said act petitioner as one of H.M. Council presented these matters to the present Governor in Council, and endeavoured to dissuade him from assenting to the same at least without a saving clause until H.M. pleasure should be known therein. H.M. Attorney General of the said Province on a reference of the said Act to him by the Governor and Council reported against sundry clauses thereof as diminutions of H.M. royal authority and contrary to law and in particular agst. the clause which excuses Justices of the Peace and Constables from attending the General Sessions *etc.* Petitioner entered his protest agt. it on the Journals of Council, and conceives it his duty to transmit the act with his protest *etc.* against it, and prays for relief *etc.* *Signed*, Robt. Wright, Chief Justice. *Copy*. 2 pp. [C.O. 5, 364. ff. 13—14 v., 16 v.]



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Jan. 13.  
Whitehall.

**453.** Order of Committee of Privy Council. Referring to the Council of Trade and Plantations for their report, Act of Pennsylvania for *confirming the repeal of divers laws etc.* Signed, W. Cary. Endorsed, Recd. 28th Jan., Read 6th Feb., 173 $\frac{1}{2}$ .  $\frac{3}{4}$  p. [C.O. 5, 1268. ff. 147, 148 v.]

Jan. 14.  
Annapolis  
Royall.

**454.** Lt. Governor Armstrong to the Council of Trade and Plantations. My Lords, I gratefully acknowledge the receipt of your Lordships' letter of the 11th of Sept. last, with the other papers therein mentioned in answer to severall of mine sent to your board in relation to the state of this H.M. Province; and think myself highly honoured with the advice you therein vouchsafe to give me, to which I shall constantly pay all due and possible obedience. I am sorry your letter came so late to my hands, that for want of time and opportunity I cannot possibly be so very explicite as I intended; for in relation to Canso I must deferr what your Lordships requires, 'till I have an opportunity of going thither, or can possibly procure from thence a state of the affairs of that harbour. As for the Indian presents and their shiness for the want thereof, I was in Brittain at that time, and could therefore know nothing of that affair 'till some years after my arrival hither. And I am of opinion that annual presents faithfully distributed amongs them may in time prove of some good account. As to the truck houses proposed at the River St. Johns, tho' I am still of my former opinion, I shall make no further advances therein 'till such a happy opportunity as you mention offers for the effecting thereof at the expence of the Province; and from time to time shall do myself the pleasure to forward to your Lordships as maney draughts and surveys as I am capable to procure. I heartily thank your Lordships for the copy of your report upon Mrs. Campble's petition *etc.* I must beg leave to represent to your Lordships (tho' I wish her all good success) that she hath sett forth in her said petition severall things prejudiciall to truth, and the intrest of her aunts and cousins who have all along remained in the province and pretend to an equall share with her in these demesins which she claims: and therefore first, I think myself obliged to contradict her assertion (which I suppose only intended to move compassion) that her first husband Lieut. Broadstreet was killed by the Indians; it being so notoriously known that after a long lingring sickness he died in his bed, I think in December 1718 and that we had no disturbance from the Indians 'till the year 1722. And that these orders which she mentions were only given her in charity as an officer's widow during pleasure; and not as any right she ever claim'd which is well known in this place. And I must observe to your Lordships that Cobiquet and Chignecto were alwise distinct from any claim of the L'Tours, the first being by the French king given to one Matthew Martain who is but lately dead, and to the other I never heard that Monsieur L'Tour or any of his heirs ever laid claim. Her assertion that her severall brothers and sisters, her coheirs of the lands and premises in question, retired (soon after the publication of

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Her late Majestie's letter) into the neighbouring provinces under the dominion of France and left her by conveyances sole proprietor, is almost of equall force with the former : for she never had but one brother, and her eldest sister married to a French officer retired with her uncle Charles immediately upon the reduction of the province and her said uncle Charles committed or endeavoured to commit hostilities on board a privateer upon H.M. subjects from that time to the Treaty of Utrecht ; her youngest sister is still here and never retired from the province, and her brother being at that time a minor I humbly submit to your Lordships whither any conveyances from such a person or persons can be of force and agreeable to the purport of H.M. aforesaid letter. If it is, I only beg leave to say that there can be no such thing as a forfeiture in this province, for all those who did retire as in manner aforesaid, hath equall right to dispose of their estates to such of their friends and acquaintances as remain'd, which will be a continuall barr to H.M. Brittish subjects. I must therefore observe to your Lordships that her claim by conveyance from her brother can be of no force because he was then a minor, and had he been of age could only dispose of his own part ; so that according to my conception of your Lordships' opinion on that subject, she can only be entitled to her own share as a parcener. I can no ways contradict her grandfather's letters patent from the French king further than this, *etc.*, that according to the best information I have met with here (having no other records of advice to apply to than tradition) that during the life of Marquis D'aune, he L'Tour was entitled to that part of the province by patent, reaching westerly from St. John's River on the north side of the Bay of Fundy ; and that after Monsieur D'aune's death, Monsr. L'Tour having married his widow, he was through her intrest absolved from the crimes of maleadministration alledged against him by her former husband who was Viceroy of the Province and his the said L'Tour's power was then enlarged ; but being unable to answer H.M. the French king's intention in settling the province ; he applyed himself to one Le Borgne, Sieur de Bellisle for assistance who supplied him with money and other effects to a very great sum in order to enable him to prosecute his design. Whereupon the said Sieur Le Borgne sent over his son to secure and take care of his intrest according to the agreemt. made between them two : and as things went cross with Mons. L'Tour he put the son in possession of most if not all of his estate as a security for the debt ; which not being as yet paid, the son's widow, one of the daughters of said L'Tour by Madam D'aune, holds part of it to this day. I must again by the same report observe to your Lordships, that Madam D'aune after the death of her husband L'Tour, considering the low estate she and her five children by him were reduced to (the estate being disposed of as aforesaid) applying to the French king for reliefe, that it was decreed upon her petition, that Bellisle as a valuable consideration of the money advanced, should be seigneur and receive the rents and profits for seven years, and that the seignioriall estate should be divided share and



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share alike amongst her five children. This is asserted by the antientest people in this place, and is affirmed to be contained in a book called *Arrest de Court*, which I have not been able to get a sight of. So that, my Lords, supposing the conveyance from her brother and one of her sisters is good, she can only in my humble opinion be entitled to one fifth part: and those of the other branches who now are and allways have remained in the province, to their respective shares. I must also with submission to your Lordships in some measure oppose her assertion of the amount of the rents, for as I am informed those of Menis does not amount to a greater value than those of this river, of which having sent an account, I referr it to your Lordships' consideration. Upon the whole, and I hope your Lordships will pardon my freedom, I am of opinion that no Governor at that time could give away to any person whatso'ever that which then was, and all along hath been judged to be H.M. property; without speciall directions from H.M. communicated to the Council for that purpose. And I further presume to signifie to your Lordships, that unless she is limited in her demands, your honble. Board will be eternally troubled with continuall claims by the other coheirs the aunts and cousins, who upon thoughts of retiring at the publication of H.M. said letter made the aforesaid conveyances; and not her brothers and sisters upon which she founds her claim, and as I am informed only conditionally. I am entirely of opinion that there being so few English inhabitants in this place, that they ought to be used with tenderness and not rigour upon every slight occasion, which is contrary to my nature; but I hope your Lordships will agree, that a vacancy is preferable to a deceitfull member, and that is my reason why (for the good of H.M. service) I suspended Wm. Winniett Esqr. from his seat, upon the information laid against him, and his other disrespectfull and contemptous behaviour not only in Council but likewise abroad, to the overthrow and prejudice of everything proposed or intended for the good of H.M. service. I am now to acknowledge a letter the 30th of May from Mr. Secretary Pople of your Board, desiring my opinion upon what further encouragement may be given to engage the inhabitants of this Province etc., to apply their industry to the cultivation of naval stores; to which I can make no other answer at present then that I know not what encouragement is already given: However I shall take all opportunities of informing my self amongst the inhabitants, and should be glad your Lordships would order us directions on that head, for I am certain that none of the inhabitants knows in the least how to manufacture it, and as they are generally idle and lazy, it is what can scarcely be expected untill we have English inhabitants. *P.S.*—I hope you will excuse me by way of postscript to inform your Lordships that I shall strictly observe my Instructions relating to grants, however having received from his Grace the Duke of Chandois a copy of a Minute of H.M. Privy Council upon the representation of John Hart Esqr. relating to some uninhabited lands in this Province for which I am directed to prepare a patent under the

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Seal of this Province, with an exemption of quitrents for the first ten years after the date of the said grant, and under a moderate quitrent of four shillings sterling for every hundred acres, and to make the same payable at the expiration of the term of ten years from the date of the said grant. Which being a much greater encouragement than I am confin'd to by my instructions, I hope your Lordships will allow that if every person who had a mind to settle here were admitted upon the same terms, would be a great means of drawing inhabitants hither, there being so much barren and unprofitable land almost in every lot : which though I shall not swerve from my instructions ; I heartily recomend to your Lordships' consideration, that being also the chief reason why none of the French will accept of patents in H.M. name, *etc.* Signed, L. Armstrong. *Enclosed*, Minutes of Council of Nova Scotia. Annapolis Royal, 15th Jan., 1735. Approving Lt. Governor Armstrong's reply as above. *Same endorsement.* 1 p. *Endorsed*, Recd. 4th July, Read 4th Sept., 1735. 5 $\frac{3}{4}$  pp. [C.O. 217, 7. ff. 123, 124 v., 126—128 v., 129 v.]

Jan. 14.  
Boston.

**455.** Benjamin Pemberton to the Duke of Newcastle. *Complains* that upon presenting H.M. Royal warrant for the Naval Office in the Province, the Governor gave him a patent "revokable at his pleasure and without any relation to the King's warrant." He accepted this rather than "interrupt your Grace's precious time" ; He has ever since been "wading through one continued course of opposition" ; A party of merchants and traders have formed a party against him, being displeased first at his appointment to the office, and then at his exactness in keeping it. The Governor has acted in concert with them. Two months ago he received a Royal licence of leave through Mr. Pelham, which he proposed to avail himself of. The Governor first consented to his going, but afterwards refused to allow him, until he had had an answer from his Grace. The Governor promises to pass a patent exactly conformable to the King's warrant if he remains until he has had such answer. Begs for a favourable reply *etc.* Signed, Benja. Pemberton. 3 pp. [C.O. 5, 899. ff. 130—131.]

Jan. 14.  
Boston.

**456.** *Same* to Mr. Crow. *Repeats* what he has written to the Duke of Newcastle, and begs for his assistance that he may not be "condemned unheard" in the dispute with the Governor. Signed, Benja. Pemberton. 2 pp. [C.O. 5, 899. ff. 132, 132 v.]

Jan. 14.  
Whitehall.

**457.** Council of Trade and Plantations to the Right Honourable the Lords Spiritual and Temporal in Parliament assembled. *Representation in reply to Addresses of 1st and 5th April*, 1734, for the Board to lay before the House a state of the British Islands in America, with regard to their trade, their strength and fortifications, together with their opinion what may be further necessary for the encouragement of their trade, and security of those Islands ; and also to revise and consider the several proposals that may at any time have been laid before



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them, relating to such encouragements as may be necessary to engage the inhabitants of the British Colonies on the Continent in America, to apply their industry to the cultivation of naval stores of all kinds, and likewise of such other products as may be proper for the soil of the said Colonies, and do not interfere with the trade or produce of Great Britain. In treating these subjects we shall follow the order observed by your Lordships in your addresses to H.M., which leads us to begin with what relates to the trade, the strength and fortifications of our Island Colonies in America, namely, Jamaica, Barbados, the Leeward Islands, the Bahamas and the Bermuda or Summer Islands, of which the three first mentioned are called Sugar Colonies, and are of great importance to the trade and navigation of this kingdom. The trade of Jamaica consists in an exchange of its productions and merchandize for the manufactures and merchandize of Great Britain, Ireland, Africa, the British Colonies on the Continent of America, Madera and the Bay of Honduras. The principal articles that we export thither are woollen cloths and stuffs of all sorts, wrought silks plain and brocaded, hats of various kinds, leather both tanned and wrought, German and Dutch linnens, cordage, beeswax, several sorts of drugs and grocery, paper, wine, soap, tea, coffee, arrack, East India silks, stuffs and calicoes, and several other particulars of less consideration. In exchange for these goods the people of Jamaica furnish us with the natural productions and merchandize of that Island; sugar, rum and molasses, cotton, piemento, (commonly called Jamaica pepper), ginger, fustick, ebony, lignum vitæ, mahogany, with many other kinds of valuable timber and wood proper for dyeing, and for the use of our cabinet makers and carpenters; we likewise import indigo from Jamaica, which was formerly a production of that Island, but is now brought thither from the French Colonies. The annual amount of our exports to Jamaica at a medium of four years from Christmas 1728, to Christmas 1732, as it stands computed in the Custom House accompts, appears to have been £147,675 2s. 3 $\frac{3}{4}$ d. The medium of our imports from Jamaica in the same years, is £539,499 18s. 3 $\frac{1}{2}$ d. So that the annual excess of our imports in that period, is no less than £391,824 15s. 11 $\frac{3}{4}$ d. But it must not be imagined that this excess is a debt upon Great Britain to the Island of Jamaica; a part of it must be placed to the account of negroes sent to the Spanish West Indies by our South Sea Company, the produce of which is returned to England by way of Jamaica; another part of the debt due to our African traders from the people of Jamaica for the negroes which are purchased and remain there for the service of the Island; a third proportion must be placed to the account of our northern Colonies on the Continent of America, who discharge part of their ballance with Great Britain by consignments from Jamaica arising from the provisions and lumber with which they supply that Island; all which will appear more fully in the following articles. The remaining part of the excess in our importations from this Colony, is profit made upon our trade, whether immediately from Great Britain or by way of Africa;

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and lastly it is a consideration of great importance in the general trade of Great Britain, that part of the sugar and merchandize which we bring from Jamaica is re-exported from hence, and helps to make good our ballance in trade with other countries in Europe. The particulars with which Jamaica is supplied from the British Colonies of North America, are flower, biscuit, corn, beef, pork, butter, salt, fish, rice, staves, hoops, timber in several shapes, and horses, great part of which is paid for in rum, sugar, molosses, ginger, with other productions and merchandize of the Island and the ballance discharged with mony, some part of which, as hath been already observed, is remitted to Great Britain. From the coast of Africa large numbers of negroes are carried to Jamaica, of which many are re-exported from thence by the South Sea Company, to make good their Assiento contract with the Spaniards, another part of them are re-exported by private traders both to the Spanish and French settlements in their neighbourhood; some are sent to the British Colonies in North America, and the rest are purchased by the people of the Islands to carry on their sugar works and plantations. We cannot enumerate the particulars which Ireland exchanges with Jamaica, our Office not being supplied with Custom House accounts from that kingdom; but in general, it appears from accounts transmitted to us by the naval officers in Jamaica, that Ireland has always supplied that Island with large quantities of beef, pork, butter and other provisions for which it is to be presumed, the returns are generally made to this Kingdom, because the people of Ireland have not till very lately been allowed to bring home any part of the product of the Plantations directly to Ireland, and even at this time are restrained to such commodities as are not enumerated in our Acts of Navigation. From the Island of Madera the people of Jamaica import large quantities of wine; and from the Bay of Honduras they are supplied with great quantities of logwood, in exchange for provisions and other necessaries which they furnish to the logwood cutters. With regard to the strength and fortifications of Jamaica, the military establishment there, consists of nine regiments of militia, with their superior and subaltern officers, all of them commissioned by the Governor, agreeable to an Act of Assembly for regulating the Militia in this Island. By our last return from the Government of Jamaica upon this subject, it appears that in 1730, the number of white inhabitants did not exceed 7,644 persons, and the Militia, including horse and foot, was then computed at 3,000 men, dispersed over all the inhabited part of the Island. For some years past there have been independent companies of H.M. forces quartered in Jamaica; and H.M. hath lately been pleased to order six other independent Companies of one hundred men each to be transported thither, for the defence and protection of this Colony. There are six forts in Jamaica, the principal of which is Fort Charles at Port Royal, lately rebuilt and in a good state of defence; the second is called the Rock Fort, upon the harbour of Kingston; there is a third lately built at Port Antonio, and the other three which are called



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Fort William, Fort Morant, and the Fort of Carlisle Bay are in very bad repair. Fort Charles has a captain and a lieutenant, with other subaltern officers and twelve gunners; there is a captain of the train of artillery in Spanish Town, and we are in constant expectation of hearing that proper officers are appointed for the new fortification at Port Antonio, which is all that we have to offer to your Lordships in answer to that part of your address which relates to the present state of the trade, the strength and fortifications of Jamaica. We come now to give your Lordships an account of the like particulars with regard to the Island of Barbados, which was settled more early, and hath been improved with more industry and vigour than any other of H.M. territories in America. The Islands comprised in H.M. Commission to the Govr. of this Colony, are Barbados, St. Lucia, Dominico, St. Vincents, Tobago and the rest of H.M. Islands, Colonies and Plantations in America, commonly called by the name of the Charibbee Islands lying to the windward of Guardaloupe; but of these only the Island of Barbados is settled, whose natural productions are rum and molasses, ginger, cotton, aloes and several kinds of fruits. Sugar is the principal commodity in the trade of this Island, which consists in an exchange of that and its other productions for the manufactures and merchandize of Great Britain, Ireland and the British Colonies on the Continent of America, and slaves from Africa. The general exports from Great Britain to Barbados between Christmas 1728 and Christmas 1732, according to their valuation in the Custom House books amounted, at a medium of those years to £85,780 15s. 7d. p. annum. Our imports from Barbados at a like medium for the same years amounted to £246,599 13s. 10½d. Therefore the annual excess of our imports from this Colony, during that period, was £160,518 18s. 3¼d. There is little or no variation between the commodities which Barbados receives from Great Britain, Ireland or our Northern Colonies in America, and those which we have already enumerated to your Lordships, under the title of Jamaica, and the excess of our imports from Barbados must be accounted for in the same manner by mony due to Great Britain from our American Colonies, and for slaves brought to Barbados by our African traders. With regard to the strength and fortifications of this Island, which being the most windward of all H.M. Colonies in America is therefore of very great importance on account of its situation, it appears from the answers we received to our general queries from the Governor of this Colony in the year 1724, that there was in Barbados no less than 22 castles and forts, and 26 batteries mounted with 463 peices of ordnance, but it was computed at that time, that about 100 peices of cannon were wanting to compleat ye fortifications, that most of the cannon in the Island were honeycombed, all the fortifications in a ruinous condition, and all the military stores and arms in the magazines gone to decay; all which having been lately represented to the King by the present Governor and Council of Barbados, it is not to be doubted that H.M. will be pleased to give proper directions thereupon. The Militia of this

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Colony consists of one troop, two regiments of horse and seven regiments of foot, of which two bear the title of Guards. The number of men contained in these corps is always relative to that of the white inhabitants, for by the Act of Militia all free men are obliged to enter themselves in the regiment of their own district. In 1724 there were 18,295 white persons in Barbados, amongst whom they reckoned 4,812 men able to bear arms, which was therefore the number of the Militia, and these with a few matrosses and gunners for the management of their batteries, is all the military force of this Island. We now come to give your Lordships an account of the Leeward Islands. The territories which compose H.M. Government of the Leeward Islands, are Antigua, St. Christophers, Nevis and Mountserrat, with their dependencies, Barbouda and Anguilla, Spanish Town, Tortola, and the rest of the Virgin Islands. The commerce of these Colonies is almost entirely the same with that of Barbados; they have trade with Great Britain and Ireland, the British Colonies of North America, Madera and Africa, and the goods they import from these countries and exchange with them, are of the same kinds with those enumerated under the titles of Jamaica and Barbados. The annual value of our exports to the Leeward Islands, between Christmas 1728 and Christmas 1732, amounted at a medium of those years, to £69,410 15s. 9½d. The medium of our imports from those Colonies, during the same period, was £642,269 9s. 6¼d. So that the annual excess of the latter was £572,858 13s. 9d. which must be accounted for in the same manner with the excess of our imports from Barbados. Ireland supplies the Leeward Islands with beef, pork, butter, herrings and salmon, as likewise with linnen manufactured in that kingdom, to the amount, as it has been computed, of £40,000 p. annum, the value of which is ballanced by the sugar and other productions of those countries returned to Great Britain. On the coast of Africa the people of the Leeward Islands have sometimes purchased negroes with their own rum, which is a valuable commodity in Guinea, and with the goods which they import from Great Britain for that purpose. At the Maderas they buy large quantities of wine, which they pay for with negroes and provisions, or by bills of exchange drawn upon London. To the British Colonies in North America they send rum and molosses in exchange for the products of those countries, which we have already described. Amongst the Virgin Islands which are very numerous and extend about fifty leagues from east to west, only three Anguilla, Spanish Town and Tortola, are inhabited by H.M. subjects. These have no immediate intercourse with Great Britain or any part of Europe, and their commerce hath hitherto been so inconsiderable, as not to deserve the establishment of Custom House officers to superintend it. As to the strength and fortifications of these Colonies, in the year 1724 there were 12,420 whites in all the Islands, who are now reduced to 10,262 persons, of which number there are 3,284 men and consequently the Militia cannot exceed that number, whereas in 1724 it consisted of 3,513 men divided in the following



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manner, in Antigua 1,400, in St. Christophers 1,200, in Nevis 300, in Montserrat 350—3,250. In Anguilla 85, in Spanish Town 78, in Tortola 100. Total 3,513. The fortification of greatest importance in the Island of Antigua is Monks Hill Fort, which is at present mounted with thirty peices of ordnance of different sizes, and has a magazine with about four hundred muskets and 700 bayonets in good order: There is also another fort in this Island, erected at the mouth of St. Johns River, mounted with 14 ps. of cannon, and 7 other batteries raised for the defence of so many landing places, which together are mounted with 46 ps. of ordnance. The principal fortification in the Island of St. Xtophers is a fort erected on Brimstone Hill, which is furnished with 49 ps. of cannon of different dimensions, and contains a magazine which is at present supplied with 16,000 pounds of powder, 700 firelocks, 500 bayonets and some other military stores. Charles Fort is another fortification of this Island, weh. is furnished wth. 46 ps. of ordnance of different dimensions, and a sufficient quantity of military stores; Mr. Mathew the present Governor of the Leeward Islands informs us, that they are now employed in repairing and compleating the fortifications of Londonderry Fort situated to the eastward of the town of Basseterre, which will protect that side of the Island, and there are six other batteries in St. Xtophers erected at so many landing places, which together are mounted with forty-three peices of ordnance. There is only one old fort in the Island of Nevis, mounted with 19 guns, and one fort or rather a battery of 7 guns in the Isld. of Montserrat, exclusive of a small number old dismounted cannon formerly planted for the defence of different landing places, and these two last mentioned Islds. seem at present incapable of putting themselves into a better posture of defence, having suffered very much from the enemy in the late war, to whose depredations they would be very much exposed in case of another. We come now to speak of ye Bahama Islds. which are of importance to Gt. Britain on account of their situation, and when they shall once be fully peopled and cultivated, may also come to be considerable for their productions and commerce. These productions are salt weh. is made in the Isld. of Euxma and other of the Bahamas, in so large a quantity as would be sufficient to supply all the English Colonies in America: large sugar canes, mahogany, cedar, and pine fit for building vessels, palmetto trees which afford a production called plat, of which they make hats equal to those of Bermuda, manchineel, prince wood, lignum vitae, brown ebony of a strong aromatick scent, with great quantities of braziletto, fustiek and other dying woods, senna, gum elemi, guiacum, mastick with several other gums and medicinal drugs, citrons, oranges, limes and other kinds of fine fruit are all said to be produced in the Bahamas; their pineapple is thought to be the best in America, and their soil is capable of bearing most sorts of provisions as well as cotton, ginger, sugar, tobacco, and in general every thing that is produced in any part of ye West Indies. They have great plenty of turtle, they find large quantities of ambergreece upon

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their coasts, and make train oyle of the whales and other fishes wch. they take there. From the year 1723 to the year 1728, it was computed that all their imports from this kingdom did not exceed the value of £2,000 p. ann. divided upon woollen and silk manufactures, East India goods, linnen, shoes, haberdashery and small wares, a small quantity of spice and grocery, stationers' goods, arms, ammunition, cordage, anchors and some other small articles. They likewise take a small quantity of provisions from Ireland as well as from South Carolina and other parts of America which last are paid for with turtle and fruit, and in exchange for their salt they import the sugar and other productions of Jamaica. In the year 1728, they computed five hundred white persons on the Island of Providence, which is the only one of the Bahamas that is peopled in any degree, out to whom they have formed six companies of Militia, which with one independent company in H.M.'s pay, is all the military force in these Islands. For many years past there hath been one fort in the Island of Providence, and in 1728 they began to build another, to command the east entrance of the harbour, which are all the regular fortifications in the Bahamas. It now remains, that we give your Lordships an account of the like particulars in the Bermuda or Summer Islands, whose productions are cedar, palmetto trees and train oyl drawn from the small whales that are taken on their coasts, with small quantities of tobacco, pineapples, oranges, onions, potatoes, and cabbages. Of the tops of palmetto trees they make the above mentioned straw called plat, which is worked up in hats, for the use of women, which bear the name of these Islands; but the most material article in their present trade, is that of sloops built of their own cedar, which are distinguished likewise by the name of the Islands, and are equally remarkable for their form and the excellency of their sailing. The people of Bermudas build annually between twenty and thirty sloops, which generally sail out in ballast to the Salt Islands, from whence they carry salt to some parts of the English Continent of America, where they traffick from [for] lumber and provisions, and when they are not able to purchase a cargoe, they take one in upon freight, and so sail to the British Islands in America, or from one part of the Continent to another, and having at last disposed of their sloop they return to Bermudas in order to build a new vessel for an adventure of the like nature. This is the ordinary round of trade pursued by four parts in five of all the vessels that are sent out of the Summer Islands, and by the sale of these sloops the Bermudians are supply'd with peices of eight, and with sugar, rum, rice, cocoa, pitch and tar, logwood and other dyeing stuffs, deer skins and other productions of America, which being added to their plat, and sent to England, they are thereby enabled to take off large quantities of our woollen manufactures, East India goods, linnen, household furniture, haberdashery, and in general all those commodities which are comprehended by merchants under the denomination of dry goods. In the year 1729, there were upwards of 5,000 white persons in the Summer Islands, who are divided into eight tribes; and the



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militia consists of one company of foot drawn from each tribe, which together form a regiment of about 1,000 men and these with one independent company in H.M. pay and one troop of horse of about 100 men exclusive of officers, is all the military force in these Islands. The fortifications in the Bermudas are the King's Fort mounted with 29 peices of ordnance, and six other open batteries mounted with 41 guns, but for several years past they have all been in a very ruinous condition. Having thus described the present state of our Island Colonies in the West Indies with respect to their trade, their strength and fortifications, we come now to that part of your Lordships' address which requires us to give our opinion of what may be further necessary for the encouragement of the trade and security of these Islands; whereupon we beg leave to observe to your Lordships that as sugar is the production of the greatest consequence in Barbados, the Leeward Islands and Jamaica, the prosperity of those Colonies will therefore depend in great measure upon the consumption of that commodity in H.M. Dominions, and the price it will sell for in the other markets of Europe. The use of sugar in this Kingdom has augmented very much in the last thirty years, which is undoubtedly owing to the encreased consumption of tea and coffee within that period, but on the other hand our exportations of this commodity have of late years diminished very considerably, which must be attributed to the great encrease of the French Plantations, and the large quantities of sugar brought into Europe from those settlements, as well as by the Dutch and Portugeze, which may be afforded, and are actually sold much cheaper than sugars imported from the English Colonies. The principal causes that concur in creating this difference in the price between English and foreign sugar, are the great charges attending our navigation, the high duties imposed upon our sugars at importation, the importation of French sugars into Ireland, and above all, the great expence our planters are at in cultivating this commodity, some of our Sugar Islands being almost worn out, especially Barbados, where many more hands and much more manure are requisite than in the fresh lands lately planted by the French in Hispaniola and other parts of the West Indies. With respect to the charges of our navigation, it would be impossible to give our traders any relief in this particular, without breaking thro some established customs, and making great alterations in several laws, by which many general charges have been imposed upon shipping for the repair of the peers and light houses: But they have long been desirous of the liberty of carrying their sugars directly to all the European markets to the southward of Cape Finistere, and we would humbly submit it to your Lordships, whether such a liberty might not be granted under proper restrictions. They likewise propose that the reduction should be made upon the duties payable upon rum imported into Great Britain, apprehending that such a reduction would not interfere with the sale of our British spirits, but rather with French brandies and other foreign spirits, which carry great sums of mony out of the Kingdom, whereas rum is

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paid for in our own manufactures. With respect to the advantage which the French derive from the freshness of their sugar plantations, it is impossible to prescribe any remedy which might put our planters in Barbados, and the greatest part of the Leeward Islands, upon a par with them in this particular, because, as we have already observed, the soil of those countries, especially Barbados, is much exhausted. But in the Island of Jamaica there are very large tracts of lands proper for bearing sugar canes, and capable of most other American productions, which have not yet been cultivated; and we are sorry to observe to your Lordships, that the most fertile and best situated lands in this Colony have been formerly granted to private persons in such exorbitant quantities, that at present there remains very little or no land for the reception of new comers, unless they purchase it at a very high price, except in such parts of the Island as are very much exposed and lye under such disadvantages as may justly deter men from settling upon them. We conceive the best means of promoting the prosperity of Jamaica, and of securing the possession of it to Great Britain, would be to take all possible methods to people it with white inhabitants, and to encourage every kind of agriculture proper for the soil, and capable of being carryed on by people of small substance, but tho' we have long understood this to be the principal interest of Jamaica, we conceive it impossible to invent methods of attracting new inhabitants thither, whilst the lands of the country remain confin'd as they are at present, in the possession of a few wealthy planters. The people of Jamaica have appeared so sensible of these truths, and of the ill consequences that might arise from them, that in the year 1722, they made a law for vesting all such lands in the Crown for which the proprietors had paid no Quit Rents within a certain time, upon condition that the lands so forfeited should be re-granted in small parcels to new inhabitants, under certain conditions mentioned in the Act. Four other Acts were afterwards passed for purchasing more land to the publick for the use and encouragement of new comers for building a town to be called by the name of Portland, and for forming a settlement at Port Antonio, which is a port of consequence in the north-east part of Jamaica. But either these Acts were insufficient to effectuate the purposes for which they were design'd, or the execution of them hath been evaded, or the intention of them weakned by subsequent laws, because those lands have not been purchased by new inhabitants, but for the most part lye still uncultivated, and the Island is more destitute than ever of white inhabitants. We are humbly of opinion therefore, that if the people of Jamaica will not be induced to frame an Act which may divest particular persons of those extensive tracts which now lye uncultivated, this may be a proper subject for the consideration of the British Parliament, by whose authority an effective method may be taken to reassume those ancient grants that have hitherto been useless even to their owners as well as the publick or otherwise to put the proprietors under a necessity of cultivating them. This reform



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in the State of Jamaica will be the more necessary, as it is in reality the only means that can effectually provide for the domestick happyness of that Island, or secure the possession of it to Great Britain; and on the other hand, were that once done to the extent the country is capable of, it would not only be in a condition to defend itself against any force that could be raised by the future enemies of Great Britain in America, but might also prove a bulwark to the rest of H.M. Sugar Plantations, and be able to give them assistance in case of a rupture with the French Colonies in their neighbourhood, which from the freshness and fertility of their soil joyned with other advantages in commerce are become very flourishing and prosperous. It remains that we mention two other points to your Lordships, which are essential to the prosperity of all H.M. Plantations and especially to the Island Colonies, namely, that the care which hath hitherto been had to guard the coast of Africa by ships of war, from pirates, be duly continued that so the rate of insurance which is an heavy clog upon commerce, may be kept low, and our Colonies receive a constant supply of slaves, without which they cannot possibly subsist: Secondly, that in time of war such a squadron of British ships may be stationed in the West Indies as may be able to give the law to our enemies at sea, without which all other dispositions that can be made in our Dominions there, will be fruitless; and the French in case of a rupture with that Crown, will be able both to invade our Plantations and prey upon our navigation, in such a manner as might in a short time prove fatal both to one and the other. From the description we have given your Lordships of the Bahama Islands in the foregoing part of this representation, it might be highly reasonable to expect great advantages in trade from countries that abound with productions of so rich a nature, if those Islands were fully peopled; but hitherto the number of their inhabitants hath been too small to admit of a considerable trade, and until they shall be encreased, we cannot propose any new improvements with respect to their commerce. We beg leave however to observe to your Lordships, that these Islands, which lye in the Gulph of Florida, and near the windward passage, may from their situation prove of consequence to this Kingdom, in case of a rupture with Spain, by receiving such light frigates as may be stationed there for the protection of our own trade betwixt the Islands and Continent of America, or for intercepting Spanish or French ships in their voyages between Europe and the Spanish West Indies. The Bermuda or Summer Islands having for many years been well peopled and cultivated, their commerce hath been extended as far as can well be expected from such small Colonies; nor can we add any thing to the acct. we have already given of it to your Lordships in this report, unless they should be induced to turn some part of their land into vineyards, which might probably produce as good wine as the Maderas. These Islands lye in the midst of a very tempestuous ocean, and are surrounded by a chain of rocks, most of which lye under water, when the tide is at the highest, so that their security from the invasions of foreign

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enemies seems to be provided for by their natural situation, and indeed it is affirmed by voyage writers of the best authority, that the Spaniards never thought of planting a Colony in these Islands and made no other use of their discovery than to avoid them in their navigation between Europe and the Indies. With regard to your Lordships' Address of the 5th of April, 1734, that we should revise and consider the several proposals that may at any time have been laid before us relating to such encouragements as may be necessary to engage the inhabitants of the British Colonies on the Continent in America, to apply their industry to the cultivation of naval stores of all kinds, and likewise of such other products as may be proper for the soil of the said Colonies, and do not interfere with the trade or produce of Great Britain, we beg leave to acquaint your Lordships, that we have frequently represented the great advantage that would arise to this Kingdom from receiving such supplies of naval stores from our American Colonies, as might render us independent of our northern neighbours in an article so highly important to the defence the trade and navigation of Great Britain: We have never failed to urge the necessity of this proposition upon all fit occasions, and the Legislature have often made it the subject of their consideration: Hence the several acts have taken rise which heretofore gave praemiums upon the importation of naval stores from the British Colonies in America, which were attended with so good success as to reduce the price of some of those stores very considerably, particularly of pitch and tar. But as all these Acts expired in 1725-6, except those that related to hemp, we therefore thought it our duty to represent in the year 1727, that it might be necessary to settle new praemiums upon naval stores imported from our Plantations, tho' not in the same degree as they had been given by the former Acts; and a Law did pass in the succeeding session of Parliament, entituled, *An Act for better preservation of H.M. Woods in America, and for the encouragement of the Importation of Naval Stores from thence, and to encourage the importation of Masts, Yards, and Bowsprits from that part of Great Britain called Scotland*; by which provision was made against the destruction of H.M. Woods in America, and praemiums settled upon the importation of masts, yards and bowsprits; tar, pitch and turpentine; so that iron is the only article of naval stores which remains destitute of any encouragement upon importation into this Kingdom from our American Colonies. The Deputy-Governor of Maryland hath informed us, by his letter dated the 16th of October last, that if iron was eased from the present duty of importation, a large supply of that commodity might be imported into this Kingdom from Maryland and the neighbouring provinces. He is also of opinion that very good wine might be made there, if the inhabitants had proper encouragement to attempt so new a thing. The Deputy-Governor of Pennsylvania acquaints us, in his letter dated the 31st of October last, that this Province produces hemp and iron, which last is generally allowed to be as good as any whatsoever, and that upon proper encouragement Pennsylvania and the



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neighbouring Colonies might be able to supply Great Britain with considerable quantities of this necessary commodity. He adds, that flax is found to agree so well with their soil, that it is not to be doubted but a considerable progress will soon be made in raising this commodity : that the mulberry tree grows so naturally and the silk worm thrives so well there, as to give them a distant prospect of a silk manufacture ; and that some essays have been made towards the manufacturing of pot-ashes, which he believes would, with suitable encouragement be brought to perfection. The Governor of South Carolina, in his letter of the 9th of Novr. last, acquaints us, that hitherto rice, tar and pitch have been the staple commodities of that Province, but that they have lately made some progress towards the raising hemp, and that persons of judgement believe that good flax might also be produced there, if necessary encouragement was given for the propagation of it : They have made some disposition, both here and in Georgia, for manufacturing pot and pearl ashes, and they have lately propagated a large number of white mulberry trees for the subsistence of silk-worms in hopes of accomplishing a silk manufacture ; their soil is also thought capable of producing good vines ; and they have hopes, that several valuable drugs might be produced in Georgia, which they design to bring from Natolia, Syria and other places in the Streights that lye in the same latitude with this Province : But the Governor adds, that praemiums are necessary to bring these undertakings to perfection, which South Carolina is not at present able to give ; to which he adds, this Province likewise abounds with live oak, cyprus trees and other kinds of timber, which would be proper for the use of the Navy, if such bounties were settled upon them as might answer the great expence of freight to this Kingdom, and by that means make it practicable to import them. It may be proper for us to acquaint your Lordships under this head, that the liberty given by an Act passed in the third year of His Present Majesty, *for exporting rice directly from South Carolina to any European ports southward of Cape Finisterre*, has had a very good effect, and it being now near expiring, we would beg leave to submit to your Lordships, whether it may be deserve to be continued. A Bill did formerly pass the House of Commons, wherein the encouragement proposed for importing iron in pig and sows from America, was the taking off the duty payable upon it at importation, which amounts to three shillings and nine pence half penny p. ton, and this encouragement would, in our opinion, engage the planters to furnish us with such quantities of iron in pigs and sows as might be sufficient for the use of our manufactures. We import annually into this Kingdom about 20,000 tons of this commodity, the greatest part of which is brought from Sweden, and paid for with ready mony ; so that in our humble opinion nothing could be more prudent or indeed more necessary for the welfare of Great Britain, than to give such encouragement to the importation of iron from our Plantations, which abound both with oar and wood, for the use of the furnaces, as might render us independent of our northern

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neighbours, for a supply of a commodity so essential to the support of our fleet and of our navigation in general. We annually import from Sweden only about 14,300 tons, which computed at no more than £10 p. ton, would amount to upwards of £143,000, the which we pay to that kingdom in ready mony, and therefore an encouragement upon the importation of this commodity may be the more necessary at this time, because the people of America having discovered several iron mines and set up forges, it is to be feared that they will work up their iron in manufactures, which may be prejudicial to those of this Kingdom, if some effectual means be not found out to induce them to import it in pigs and sows into Great Britain. Thus we have laid before your Lordships what hath occurred to us concerning the cultivation of naval stores, and such other products as may be proper for the soil of our American Colonies ; and as some of them, particularly the northern Provinces, do very much resemble England in their climate, soil and productions, we conceive that the most natural and the only effectual method of keeping the people there from raising sheep and establishing such manufactures as might in time be detrimental to the trade and manufactures of Great Britain, will be to continue the present bounties upon naval stores, and give encouragement to the importation of iron and such other particulars as the wisdom of the Legislature shall think advantageous for Great Britain to have from those countries, as may induce them to apply their utmost industry in the improvement of such necessary commodities, of which there will always be a consumption in H.M.'s Kingdoms. 42 $\frac{2}{3}$  pp. [C.O. 5, 5. ff. 102—122 ; and 324, 12. pp. 79—120.]

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**458.** Abstract of above representation concerning Barbados. [C.O. 28, 40. ff. 161—164 v.]

Jan. 15.  
Whitehall.

**459.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. Having laid your letter of the 10th inst., desiring an explanation of the questions proposed to you in mine of the 8th of March last, relating to the bounds between New Hampshire and the Massachusetts Bay, before my Lord Commissioners for Trade and Plantations, I am commanded to acquaint you, that the question to which my Lords desire your answer, is, from what part of Merrimack River, the three miles from whence the dividing line, between the Province of New Hampshire and the Province of the Massachusetts Bay is to begin, ought to be taken, according to the intent of the Charter of William and Mary ? I am sorry my last letter to you, upon this subject, was not sufficiently explicit. [C.O. 5, 917. pp. 106, 107.]

Jan. 16.  
Whitehall.

**460.** Council of Trade and Plantations to the King. *Representation* upon Lord Baltimore's petition (8th Aug., 1734). *Continue* : We may have to acquaint your Maty. that the lands in question commonly called the Three Lower Counties on Delaware River supposed to be excepted by the words *hactenus*



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*inculta*, appear to us to be included in the limits granted by King Charles the First to the Lord Baltimore's ancestors, but they have been in the possession of the Penn family for several years, which made it proper for us to communicate the purport of Lord Baltimore's Petition and of your Majesty's Order thereupon to the Agent for Messrs. John, Thomas, and Richd. Penn the present Proprietors of Pensylvania, that they might have an opportunity of laying before us what they should think proper in relation to this Petition and to their title to the said lands. And we have been frequently attended by the said Agent and by Mr. Richd. Penn one of the said proprietors upon this subject who promised from time to time to lay an account of their title before us ; but after having kept us in expectation thereof for several months, they at last refused to proceed therein, whereby we are disabled from offering anything to your Majesty relating to their claim, except what we find by our books, namely, that for some time past when any of their family Proprietors of Pensylvania have nominated a person for the approbation of the Crown to be Deputy-Governor of that Province and of the said Three Lower Counties, they have given declaration under their hands and seals which are extant in our office from the year 1702, to the last nomination in 1733, whereby they acknowledge and agree that the said approbation and allowance shall not be construed in any manner to diminish or set aside the right claim'd by the Crown to the said Three Lower Counties. Upon their refusal to proceed herein, we thought it our duty to examine the facts set forth in the Lord Baltimore's Petition, and the equity alledged by him as a ground for his hopes of your Majesty's favour in this case ; whereupon we beg leave to acquaint your Majesty, that we find the Lord Baltimore's original Patent bears date the 20th June, 1632, and there is no room to doubt that the lands in question are comprised within the limits described in that grant. And with regard to the interpretation of the words *hactenus inculta*, we have examined the ancient records of our Office, and find by an Order in Council dated the 4th of April, 1638, which recites the purport of a former Order dated the 3rd of July, 1633, that one Capt. William Cleyborn having in behalf of himself and partners, set forth in a petition to the King, that divers years past they had discovered and planted upon an island in the great Bay of Cheasapeak in Virginia which they had named the Isle of Kent ; and that they had likewise settled another plantation upon the mouth of a river at the bottom of the said Bay in the Sasquehanaugh Country, and that the Lord Baltimore taking notice of the great benefit that was likely to arise to them thereby, had obtained a Patent from His Majesty, comprehending the said island within the limits thereof, upon which he besought His Majesty to grant him a Patent under the Great Seal for the quiet keeping, enjoying and governing of the said island, plantations and people etc. Whereupon all the parties having been fully heard, we find the sense of the Council expressed in the following words, " that upon what then appeared to them ; and also upon consideration of a former Order of that Board, dated

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July 3rd, 1633, wherein it appeared that the difference now in question being then controverted, the Lord Baltimore was left to the right of his Patent, and the petitioners to the course of law ; their Lordps. having resolved and declared as above said, the right and title to the sd. Isle of Kent and other places in question to be absolutely belonging to the Lord Baltimore, and that no plantation or trade with the Indians ought to be within the precincts of his Patent without license from him, did therefore likewise think fit and declare that no grant from His Majty. should pass to the said Cleyborn, or any others of the said Isle of Kent or other parts or places within the said Patent whereof His Majesty's Attorney and Solicitor General are hereby prayed to take notice." But we find that upon a dispute betwixt the Lord Baltimore and the Duke of York (for whom Mr. William Penn was then Agent) concerning a tract of land in America, commonly called Delaware, wherein we conceive the said three lower Counties to be comprised, the Lords of the Committee for Trade and Plantations reported their opinion in May 1683, that the land intended to be granted by the Lord Baltimore's Patent was only land uncultivated and inhabited by savages, and that the land then in dispute was inhabited and planted by Christians at and before the date of Lord Baltimore's Patent ; whereupon they proposed that ye land lying between the River and Bay of Delaware and the Eastern sea on the one side, and Cheasepeak on the other, should be divided into two equal parts by a line from the latitude of Cape Hinlopen to the 40th degree of northern latitude, and that one half lying towards the Bay of Delaware and the Eastern sea, be adjudged to belong to His Majesty, and the other half to the Lord Baltimore as comprised within his Charter. Soon after King James the 2nd's accession to the Crown, that is to say, in 1685, this Report was ordered to be carried into execution and was confirmed by the late Queen in 1709. Whereupon, as the sense of the Crown and the Lords of the Council in these several decisions seems to have been governed by the acceptance of the purport of the words *hactenus inculta*, we beg leave to observe to your Majesty, that notwithstanding these words are in the Preamble, yet they are not inserted by way of restriction in the body or granting part of Ld. Baltimore's Charter ; and as the authorities seem to us to be equal with regard to the interpretation hitherto given them, we must humbly submit it to your Majesty whether the sense in which they were understood by the Privy Council in 1633 and 1638, being so soon after the date of Lord Baltimore's Patent when the real intention of the Crown in that grant might have been more clearly known to the Lords of the Council, or the later decision thereupon when this matter was again made the subject of an enquiry in Council, so long afterwards as 1683 and 1685, should have the preference. Thus much hath occurred to us upon the subject of Lord Baltimore's pretensions to the lands petitioned for, and we cannot enter into any examination of the claim of the Penn family, because they have declined to proceed therein before us. But if it should be determined that the right



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to the lands in question still remains in the Crown, we humbly beg leave to offer our opinion that the Lord Baltimore hath very just pretensions to your Majesty's favour in consideration of the great sums of mony that have been expended by his ancestors in settling the Province of Maryland, and in bringing the cultivation of tobacco to perfection there, whereby the trade and revenue of this Kingdom have gained and do daily receive very great augmentations. But to whomsoever your Majesty shall be pleased to grant the said lands if still remaining in the Crown, in our humble opinion proper care should be taken to preserve the inhabitants settled there in the full possession of all their religious and civil rights. [C.O. 5, 1294. pp. 71-78.]

Jan. 20. **461.** Governor Mathew to Mr. Popple. I being now crippled with the gout in hand and foot, you must excuse this being cobbled at a very so so rate, I write in some pain. I find it impossible to form here a sett of testimonys upon oath to prove when the French wholly quitted Sta. Cruz. It is long within the memory of man, and yet I can not find here one good accot. of it. The President of Montserat (whose memory is of most audible note in these parts and can tell you what cloaths any man had on when he saw him fifty years ago) yet here I was quite disappointed. All he could remember besides what they had for dinner that day was that at ye attacking of Marygalante (which was as he places it in 1691) one Capt. De Poracy, whom they took prisoner there, told him he had only a third of his company there, the other two-thirds of it being then stationd at Sta. Cruz. At Antigua I could gather no manner of accot., not even from Governor Byam, who must then have been full thirty years old, and this dereliction, I should think must have been well known here. At St. Christophers I sent for a very old French inhabitant, a man of honesty and worth, all he could tell me was that he was at St. Thomas about June 1695. That he dayly saw French gentlemen coming back and forwards as from Sta. Cruz, but whether the settlement was then broke up he can not tell. The Governor of Anquilla writes me can send me no intelligence, this gentleman, too, is full fourscore years old and allways here, he refers me to enquire at Spanish Town, for he thinks as soon as ever the French left Sta. Cruz, those of Spanish Town immediately got thither to look for what was left to pick up. But from Spanish Town the Governor writes me "sending for some of the oldest inhabitants, but could not upon examination get any other accot. to inform your Excy. therewith, then that they remembered the French settlement, and their removal, but not the year. Whether 'twas in 1686 they possess'd or since, they can't remember. But are assur'd since the time they deserted and left it, they since have never had any possession or settlement, or hinderd the English from settling and cutting timber thereon, before the year *Colo. Woodrope had a Commission.*" This Commission to Woodrope was from Lord Londonderry as Commandant of H.M. subjects there. But this the French bore so impatiently that one of their men of warr and a garde de cote

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sloop went thither, burnt two English sloops there, and carryd away a third with them, on wch. I expostulated in severe terms with Monsr. Champigny the French General, and remitted at that time to his Grace the Duke of Newcastle the whole accot. of that affair. Now, Sir, out of all this inchorent medley what testimonys upon oath can I shape to give their Lordships the information they want. Please to know their farther sentiments of this, for my guidance. Enclosed herewith are Minutes of the Council of Antigua from 7 Oct. to 20 December, 1734 ; Minutes of the Council of Montserat from 24th Sept.—25th Dec., 1734 ; Minutes of Assembly of Montserat, from 12 October to 14 December, 1734. These I desire, you will lay before their Lordships and with them the enclosed law of Tortola entitled “ An Act for punishing the rebellious negroes and such of them as desert their masters services, and for the better encouragement of such of the Christian inhabitants or slaves as shall apprehend or take any such rebels or runaways, so that they may be brought to justice.” I believe this is the first law that ever came to England from that Island. This negro murther so terryfyd ym. lest it should spread into a negro rebellion, that they dispatchd to me for help. I sent ym. a supply out of H.M. stores, and orders to the Govr. of Spanish Town, their next near neighbour, to be ready to assist them in case of need, till I could provide better for them. They sent me at the same time a law they had made among themselves, with a saving clause at ye end of it *to be in force as long as I should like it* etc. I put this in a better dress, and it comes now in the usual enacting stile, directed by H.M. Instructions. *Signed*, William Mathew. *Endorsed*, Recd. 23rd April, Read 30th July, 1735. *Holograph*. 3¼ pp. [C.O. 152, 21. ff. 100–101 v., 102 v.]

[Jan. 21.] **462.** Mr. Yeamans to Mr. Popple. The Lords Commissioners for Trade having received directions to lay before the House of Lords “ a state of the British Plantations with regard to their trade, strength ” etc. *submits* some points to be laid before the Board :—One great encouragement to the trade of the Sugar Colonies would be to permit them to carry their product directly to the several ports of Europe, to the southward of Cape Finisterre, after the example of the French, and pursuant to the precedent the British Legislature itselfe has made in the instance of South Carolina, which I presume has sufficiently shewn how beneficial such an indulgence has been (and if enlarged may farther be) to Great Britain. And this, Sir, I am credibly informed was the chief design of a noble Lord, and very able Minister, in promoting the South Carolina Act, namely to try what effects such an act might produce if it were extended to H.M. Sugar Colonies etc. *Argues* that such a concession would increase the sugar crop and British shipping. Another encouragement would be the lessening of the import duties upon rum into England, now amounting to four times its original value, in order to compete with French brandy and Dutch spirits, and stop smuggling, which is always encouraged by high duties etc. *Signed*, John Yeamans. *Endorsed*, Recd., Read 21st Jan., 173½. 2 pp. [C.O. 152, 21. ff. 1, 1 v., 7 v.]



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Jan. [—].  
Whitehall.

**463.** Duke of Newcastle to the Governor of Jamaica and Lt. Governor of Virginia. I send you by H.M. command, a copy of a Memorial presented, by the Spanish Ambassr. here, containing a complaint, that many Indians, subjects of His Catholick Majty. in his Dominions in America, have been, at different times, brought to Jamaica, and sold there for slaves. And I am to signifie to you H.M. pleasure, that you make enquiry into the true state of this matter, and transmit to me, as soon as may be, an account of what grounds have been given for this complaint of the Court of Spain: that H.M. may give the necessary orders thereupon. *Draft.* [C.O. 137, 55. f. 151.]

Feb. 4.  
Whitehall.

**464.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose*, following to be laid before H.M. *Autograph signatures.* 1 p. *Enclosed*,

464. i. *Same* to the King. In obedience to your Majesty's commands *etc.* (24th Dec.), we have considered the Treaty concluded between the Governors of Martinique and St. Martin's, with Col. Mathew's observations thereupon *etc.* *Represent* that by the 1st Article of this Treaty not only a neutrality is stipulated between the French and Dutch inhabitants in the island of St. Martin in case of a war betwixt their respective sovereigns in Europe, but a defensive alliance is also contracted betwixt them and a stipulation made to succour each other reciprocally with all their force, if either side should be attacked by any nation whatsoever; so that in case of a war in Europe between France and Holland the French and Dutch inhabitants in St. Martin's would not only be in a state of a suspension of arms towards one another; but if it should ever happen that your Majesty and the States General should be engaged together in actual war against France the Dutch subjects in St. Martin's would nevertheless be obliged by this Treaty to assist the French if the latter should be attacked by your Majesty's forces. By the 2nd Article it is provided that the inhabitants of each Nation shall be allowed two vessels in time of war to supply them with all sorts of military stores and provisions which vessels shall be furnished with commissions and passports from their respective nations, and all other documents requisite for securing the freedom of their navigation, in which nothing shall be inserted contrary to the ordinances of His Most Christian Majesty and those of their High Mightinesses. And by the 3rd Article it is stipulated, that no ship of either nation, which shall sail to the said island of St. Martin with provisions and military stores for the supply of the inhabitants there, shall be molested or seized by any other French or Dutch ships unless they are engaged in a contraband trade. Whereupon we beg leave to observe that these articles might prove the foundation

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of a free trade in time of war between Holland and the French Colony in St. Martin's, and would give the Dutch too great an advantage in the trade of the West Indies over your Majesty's subjects, because all ships sailing from Holland to those parts might take out passports for St. Martin's whether they were bound thither or not, by which means they might elude the danger of being taken by the French cruisers, to which all English vessels would be liable. We come now to the 4th Article of this Treaty by which it is agreed that no person of any nation whatsoever, shall be permitted in time of war to send into the island of St. Martin any negroes or other effects to preserve them from the enemy, except such persons as may retire thither in order to settle and remain in the island with their families; the said French and Dutch inhabitants promising to preserve inviolably in time of war the same union and intelligence which subsisted betwixt them in time of peace. Upon this Article we beg leave to acquaint your Majesty that in the course of the last war betwixt England and France, the French and Dutch inhabitants of St. Martin did then enjoy a neutrality, tho' not of the same extent with that stipulated by the Treaty now under our consideration, and it was usual for the people of the weaker English islands, in times of great danger, to send their choicest negroes and most valuable effects to the Dutch Colony at St. Martin's, as into an asylum where they might remain till the fear of an invasion was removed. But the French settlements lying at too great a distance from this island could not have the same advantage; and therefore the stipulation comprized in this Article seems to be levelled entirely at the weak English Colonies of Nevis and Montserrat, which would be very much exposed to the incursions of the enemy in case of a war betwixt your Majesty and the French King, and on the other hand if the island of St. Martin should enjoy so great a security and such peculiar advantages in a time of general danger, your Majesty's subjects in the Leeward Islands might for their own preservation be tempted to forsake their habitations and incorporate themselves with the people of St. Martin's; which could not fail to be attended with fatal consequences to the interest of Great Britain. With respect to the 5th Article, by which the people of St. Bartholomew are comprehended within the Neutrality and entitled to all the other advantages stipulated by this Treaty, we conceive this to be unequal even between the French and Dutch, because this island is peopled solely by the French and lies at so great a distance from all the other settlements of that nation, that in case of an attack it could not well be succour'd from any other place except St. Martin. But as both St. Martin's and St. Bartholomew's



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are scituated within two or three hours' sail of St. Xtophers, we are inform'd it would be impossible for any ship to sail from St. Xtophers, Nevis or Montserrat for any of your Majesty's Dominions in Europe, without running the greatest risks imaginable of being taken by the French privateers who might lurk in the harbours of those islands. It is evident therefore that in case of a rupture betwixt Great Britain and France this convention might prove extreamly prejudicial to the interest of this Kingdom and the trade and navigation of your Majesty's subjects; wherefore we would humbly beg leave to propose, that your Majesty's Minister at the Hague may have orders to represent in the strongest manner your Majesty's dissatisfaction at this Treaty to the States General, and endeavour to obtain their disapprobation of it in the most explicit terms as being of a tendency to create misunderstandings, and to disturb and alter the harmony and good correspondance, which have so long subsisted betwixt this Crown and their Republick. *Autograph signatures.* 7 pp. [C.O. 152, 40. Nos. 41, 41 i.; and (without enclosures) 153, 15. pp. 278-285.]

Feb. 6.  
Whitehall.

**465.** Council of Trade and Plantations to the Committee of the Privy Council. *Representation upon* petition of John Yeamans, referred 13th Jan. As it has long been customary to levy a duty of gunpowder upon the tunnage of shipping trading to Antigua, and considering that H.M. regiment quartered in the Leeward Islands is supplied with gunpowder by the people of Antigua, which is a circumstance peculiar to that island, we are humbly of opinion that H.M. may be graciously pleased to permit his Governor to give his assent to an act for the purpose mentioned, to continue in force for three years, provided care be taken to oblige the proper officer for collecting this duty to receive it in kind only, if gunpowder may possibly be procured, and likewise that he be in that case restrained from commuting gunpowder for mony, which would destroy the intention of the law, and is the rather to be provided against upon this occasion, because in the last act passed at Antigua upon this subject, two shillings in mony was laid upon one third part of the tonnage of all vessels instead of the usual duty of gunpowder. [C.O. 153, 15. pp. 286-288.]

Feb. 6.  
Charles Town,  
South Carolina.

**466.** Mr. Fox to the Council of Trade and Plantations. Encloses lists of vessels entered and cleared, Charles Town, for the quarter ended Christmas, 1734. *Signed,* Jos. Fox, Naval Officer. *Endorsed,* Recd. 9th April, Read 18th Sept., 1735. 1 p. [C.O. 5, 364. ff. 245, 250 v.]

Feb. 7.  
Whitehall.

**467.** Mr. Popple to Mr. Fane. Encloses, for his opinion thereupon in point of law, 26 acts of the Massachusetts Bay, 1731-1734. *Annexed,*

1735.

467. i. Lists of acts referred to in preceding. [C.O. 5, 917. ff. 107-110.]

Feb. 11.  
Whitehall.

**468.** Mr. Popple to Mr. Fane. I send you inclosed a copy of the Pennsylvania Charter, by which you will perceive yt. the Crown has reserved to its self a power of repealing any laws pass'd in that Province under the Privy Seal ; since which Charter several laws of that Province have been repealed here by virtue of an Order in Council only ; but as some dispute might have arisen whether the said laws were not yet in force, not having been repealed according to the letter of the Charter, the Province of Pennsylvania have passed an Act declaring such laws to be effectually repealed, notwithstanding such informality. My Lords Commrs. for Trade and Plantations therefore command me to send you the said Act, upon which I am to desire your opinion in point of law as soon as may be ; as likewise whether the King's repeal of a Pennsylvania Law by virtue of his Order in Council only, may not be deemed an effectual repeal within the meaning of the said Charter. [C.O. 5, 1294. p. 79.]

Feb. 12.  
Kensington.

**469.** Order of King in Council. Repealing Act of Barbados *for the further regulating fees etc.*, and ordering that such of the Patent Officers or their Deputys who have been removed from their offices by virtue of the said act, should be forthwith restored to the possession thereof. (v. A.P.C. III. No. 309.) *Signed*, W. Sharpe. *Endorsed*, Recd. 31st May, Read 12th June, 1735.  $3\frac{1}{2}$  pp. [C.O. 28, 24. ff. 61-62 v., 66 v.]

Feb. 12.  
St. James's.

**470.** Order of King in Council. Approving Additional Instruction to Governor Johnson relating to the township of Purrysburgh *etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 1 p. [C.O. 5, 364. ff. 34, 39 v.]

Feb. 13.  
London.

**471.** Mr. Coope, Agent for St. Christophers, to Mr. Popple. *Abstract.* Governor Mathew has communicated to him what he apprehends is a grievance to the Sugar Colonies in general. Hopes the Lords of Trade will find an apt expedient to make the late Act of Parliament effectual, and put us upon equal terms with the French. By Governor Mathew's 96th Instruction, grounded on the 5th and 6th Article of the Treaty of Peace and Neutrality, vessels found trading and fishing as described in the said 5th Article are to be confiscated. *Continues* : But our Judges of Admiralty abroad will not condemn unless actual trade and fishing are directly proved, and the Commanders of men of war don't now concern themselves in the seizure of French and English ships upon experience that money and time are lost upon this elusion. The French King by his edict relating to foreign trade in the Colonys in America of Oct., 1727, finding probably such proofs of actual trade often eluded, explains the said article of the Treaty by being within a league of any of his islands, even desert ones, and has thereupon for many years seiz'd and condemn'd our vessells right or wrong. It is therefore humbly



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hoped that the same construction may be allowed among us in respect to the French vessells *etc.* As the French King by the 5th Article of his arret gives letters of marque *etc.* to all his subjects, it may be reasonably expected that we may do the same, at least to some limited number of vessels. If some remedies are not obtained, French rum and molasses will there daily crowd in upon us, and thus the late Act of Parliament will be of little avail *etc.* If the Board will compare the 5th Article of the Treaty with the Edict of the French King, they will soon judge with what severity he uses us, and also breaks through the present Treaty of Peace *etc.* *Signed, Ri. Coope. Endorsed, Recd. 14th Feb., 1734, Read 26th Oct., 1736. Addressed. 1½ pp. Enclosed,*

471. i. Extract from the French King's Edict, Oct., 1727, referred to in preceding. *French. 1 p. [C.O. 152, 22. ff. 130-131, 132 v.]*

Feb. 13.  
Whitehall.

**472.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report. *Signed, W. Sharpe. Endorsed, Recd. 18th, Read 21st Feb., 1734, 1 p. Enclosed,*

472. i. Petition of the Minister, Elders and Members of a German Lutheran Congregation, settled in the Prince of Orange's County (formerly called Spotsylvania) in Virginia, to the King in Council. The said Congregation consists of sixty-two families making in number 274 persons. They came to Virginia in 1717 and were then settled on some lands belonging to Colonel Spotswood but in 1725 they removed forty miles further and were then seated upon lands belonging to the Crown at the very borders of the country under the Great Ridge of Mountains where they have served as a defence against the Indians and in which dangerous situation they have continued ever since. In 1720 an Act of Assembly was past for erecting two new Countys called Spotsylvania and Brunswick and for granting certain exemptions and benefits to the Inhabitants thereof. In which Act it was enacted "That if any number of Foreign Protestants shall at any time within the space of ten years from the first of May 1721, come to dwell and inhabit the said Countys of Spotsylvania and Brunswick respectively and shall keep and maintain a minister of their own, all and every such Foreign Inhabitants with their and every of their tytheable persons in their families shall be exempt and free from the payment of all parochial dues and charges towards the parishes of St. George and St. Andrew for the space of ten years next after their arrival or so much thereof as they shall keep and maintain such ministers of their own as aforesaid. Petrs., being Inhabitants of the parish of St. George, they did in consequence of the above Act use their utmost endeavours to obtain a minister of

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their own Religion, but could not find one that would accept of so small a living till very lately that Providence hath directed them to hear of a Divine regularly educated in one of the Accademys in Germany whose heart is inclined to accept of their calling him to be their minister. For want of meeting with such a minister during the said term of ten years they had no benefit of the exemptions intended them by the said Act but have been obliged to pay all the parish levies from their first settling to this time, and which they must even still continue to pay, notwithstanding they are now provided with a minister in regard the said Act is now elapsed. As it will be impossible for this Congregation to maintain their Minister and at the same time to pay the parish levies, their distance from a navigable river depriving them of all benefit of trade and as they have always been good and faithfull subjects to the Crown of Great Britain and regularly paid all their quit rents and taxes, Petitioners therefore most humbly pray that your Majesty will be graciously pleased to give your Royal Instructions to the Governor of your Majesty's Province of Virginia to recommend to the Council and Assembly to renew such part of the Act as is aforementioned to exempt them from the paying of all parish levies during such time as to your Majesty shall seem meet which will prove a great inducement to many other German familys to come and settle in those parts, etc. *Signed*, Johannes Corpus Hoeverus, Aictae Congregationis Pastos; Michael Shmidt one of the Elders of the sd. Congregation, Michel Holt one of the Members of the said Congregation. *Endorsed*, R. 1st Feb., 1734. 2½ pp. [C.O. 5, 1323. ff. 113, 114-115 v., 116 v.]

Feb. 13th  
Whitehall.

**473.** Mr. Popple to Mr. Mathew. My Lords Commissioners taking into their consideration the acts of the several islands under your Government observe that the late Sir Wm. Mathew in 1705 was instructed to transmit a compleat collection of all the laws in force etc. *Continues*: Pursuant to which Instruction, two books of the laws of Nevis to 1701 and Antigua to 1705-6 were transmitted to this office, and the like instruction being continued for all the succeeding Governors, General Hamilton transmitted a collection of all the laws of the Leeward Islands in general, and of Nevis in particular to 1st Sept., 1715; and a like collection of the laws of St. Xtophers to 26th March, 1717, and their Lordships have lately had a revised copy of the laws of Antigua to 1724, that have been since printed, five copies of which by their Lordships' directions are deliver'd to Mr. Yeamans, one for yourself, one for the Lieut. General, one for the Lieut. Govr. of Antigua, one for the Council, and one for the Assembly. But their Lordships observe that no collection of the laws of Montserrat have ever been transmitted to this Board; and Col. Hart



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in 1723 $\frac{3}{4}$  inform'd their Lordships, that Monsr. Cassart in his descent upon that Island in 1712 burnt all the records, and that the acts before that time remaining and pleaded in Court, were only in loose papers in the hands of particular persons, and that no collection could be made of them, their Lordships therefore command me to desire you will give effectual orders that all the laws deemed in force in that island be collected together, revised and considered by the Council and Assembly and a true attested copy thereof transmitted to their Lordships as soon as possible. And their Lordships having received certain information that several acts have been passed in St. Xtophers since 1717, that have never been transmitted to their Lordships by the Govrs. pursuant to their instructions in that behalf, and having reason to apprehend that the like neglects may have happen'd with regard to the islands of Antigua and Nevis, I am commanded to send you the three inclosed lists of all the acts that have been transmitted to their Lordships since the date of the last act in each of the aforementioned collections, and to desire you will, as soon as possible send their Lordships, separately under the seal of the Islands, authentick copies of all the acts passed in the island of Antigua since 25th Jan., 1708 $\frac{3}{4}$ , in Nevis since Sept. 1st, 1715, and in St. Xtophers since 26th March, 1717, whose titles are not in the said respective lists. [C.O. 153, 15. pp. 289-291.]

Feb. 15. **474.** Governor Mathew to Mr. Popple. Beside the duplicates St. Christophers. of public papers that I transmitted to you with the original of the above duplicate letter, I now enclose copy of the Minutes of Council of St. Christophers from the 26th February and ending the 26th September, 1734. And an Act of Antigua to *continue an Act for repairing the cisterns and finishing the store house and repairing the platforms of the guns at Monk's Hill* and also to continue another Act entitled *a supplementary Act* to the Act above recited. These I must pray the favour of your laying before their Lordships. At the same time I desire you will, with assurances of my duty, let their Lordships know I am honoured with their commands of the 23rd October last, reminding me of H.M. Instruction relating to the Treasurers of these Islands, and ordering my obedience thereto. To this, Sr., I pray you will inform their Lordships, that in order to obtain from the sevl. Treasurers a punctual obedience to these H.M. Commands, and in due time, I sent to the Treasurer of each Island, so long ago as the 8th Feb., 1734 $\frac{3}{4}$ , a positive order, reciting that Instruction, as farr as it related to them. But I never receivd such transcript of their accots. to this day, except for the first half year from the Treasurers of Nevis. This I was unwilling to send alone, being but a part of an accot. of H.M. Revenue for this Government. All I could pick up and form something of an accot. upon, I specifyd in the General State of these Islands I transmitted to you in Sepr. last. However, lest their Lordships should chuse to have it so, I enclose that half year's Treasurers' accots. for Nevis. The Treasurer of Antigua dy'd in Novr. last, and I am sending a renewal of those orders to him to his successor, pressing

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him, as I do all the others to an immediate obedience. The Treasurer of St. Christophers that now is, being of my own appointment lately, he is preparing his accots. and the accots. of the former Trearer, which he neglected letting me have as I orderd, having been laid before the Council, I will have them transcribed to send with all speed. I am sending to the Treasurer of Nevis for his last half year. As for the Trearer. of Montserat I can say nothing in his excuse, and to remove him for his neglect, would be no punishment. I hardly think the post worth thirty pounds sterl. a year, and he is a man of best figure there. I have hitherto punctually sent you all the Minutes of the several Councils and Assembly as I could get them, except the Minutes of the Assembly of this Island. The Clerk of that House has ever treated my orders with much disregard, I never could obtain the Minutes regularly from him in any of the intervals I have in chief commanded here. And I am now here as Chief Governor near sixteen months, and yet can never obtain them, tho by the orders he (as well as other Clerks of Assemblies) had from me at my first arrival, I directed their being delivered to me evry three months. I therefore finding him obstinate in not doing his duty, have now removd him, and appointed Mr. James Losack, formerly D. Secretary, Clerk of the Assembly, in his stead, all which I pray you will lay before their Lordships. *Signed*, William Mathew. *Endorsed*, Recd. 22nd April, Read 30th July, 1735. *Holograph*. 2 pp. *Enclosed*,

474. i. Duplicate of Jan. 20, 173 $\frac{1}{2}$ . 2 pp.

474. ii., iii. Abstract of Treasurer of Nevis' accounts 1731, 1734. *Endorsed*, Recd. 22nd April, 1735. 3 large pp. [C.O. 152, 21. ff. 103-104 v., 105 v., 106 v.-108 v.]

Feb. 18.  
London.

**475.** Mr. Yonge to Mr. Popple. By the favour and permission of the Lords Commissrs. for Trade and Plantations I have perused the heads proposed by H.M. Attorney and Sollr. Genll. for an act to be passed in South Carolina in lieu of the present quit-rent law *etc.* *Encloses* his remarks thereon *etc.* *Continues*: I presume there have not been found any inconveniencies in the present law, as to the putting it in practice since it had its force, but that a rent roll is perfected and H.M. rents have been paid in proclamation money. If so, the end of the law is answered, and the people satisfied and quiet in their minds and possessions. May it not be more eligible therefore to continue the law as it is, and bear with some few inconveniencies (if any there be) than to risque the repealing it, and thereby exasperate the people in such a manner that they will not be prevailed on to pass such a one as is required or perhaps any others, but insist upon Archdale's law, defend their titles the best they can, and pay the Crown a fifth part only of the quit rents they have now obliged themselves to do: for as to the arrears graciously remitted them by H.M., it must be considered that two years' rent paid since the passing the law at five shillings for one, makes up eight years' deficiency, besides that all who have paid have rects. in full for all rents and arrears of rent to the time last paid to, *etc.*



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*Continues* : It must be owned there are some few things in the law to which the Govr. and H.M. Council did their utmost to have left out, but thought the law as it is of too much consequence to loss for them, such as the restraints on the King's officers *etc.*, but they were most strenuously opposed by Mr. Hume, who I can averr was the great stickler for all those clauses in favour of the people now by him found fault with, when nothing was heard from him either within or without doors but the tyranie too often practiced by the Officers of the Crown in America, that now was the oppertunity to secure the peoples' titles to their lands and estates declared to be all invalid by H.M. Attorney and Sollr. and Mr. Fane, and that the same had been done on several occasions in England, to prove which he quoted and produced many Acts of Parliament, for which he had the thanks of the House in a formal manner *etc.* But he had it not then in his thoughts how great a proffit he might make by rendering or rather continuing the people's titles doubtfull, not only as a lawyer by setting them at variance with the Crown and with one another, but by seizing their lands to his own use even while under the sanction of a law yett in being, and which he is now useing his utmost endeavours (for those reasons) to gett destroyed, but he was soon convine'd by that great genius, Mr. Wittaker who brought him and four others to a way of thinking calculated much more for their own advantage, or H.M. service alone wou'd scarcely have prevailed on them to undergo so long, troublesom and expence a voyage, purely to point out some few inconveniencies in the law, but which indeed were only such as stood in their way *etc.* Signed, Fd. Yonge. Endorsed, Recd. 18th Feb., Read 20th Aug., 1735. 3 pp. Enclosed,

475. i. Remarks on the Heads of a Bill for providing H.M. a rent-roll, for securing H.M. quit rents and the remission of arrears *etc.* 7 pp. [C.O. 5, 364. ff. 136-137, 138-141 v.]

Feb. 18. Whitehall. 476. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, three acts of Georgia, (i) *for rendring the Colony more defensible by prohibiting the importation and use of black slaves etc.* ; (ii) *to prevent the importation and use of rum and brandies* ; (iii) *for maintaining the peace with the Indians.* Requests report on the last on Thursday morning *etc.* [C.O. 5, 401. pp. 133, 134.]

Feb. 19. 477. Mr. Fane to the Council of Trade and Plantations. Has no objection to preceding three acts of Georgia, *etc.* Signed, Fran. Fane. Endorsed, Recd. 19th, Read 20th Feb., 1734 $\frac{1}{2}$ . 1 p. [C.O. 5, 364. ff. 18, 21 v.]

Feb. 21. Whitehall. 478. Council of Trade and Plantations to the Committee of the Privy Council. Enclose following.

478. i. Draught of Additional Instruction for Governor Mathew, permitting him to give his assent to a new law for laying a duty of gunpowder upon the tonnage of

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shipping etc. *The Instruction recites the concluding paragraph of Representation of 6th Feb. q.v.* [C.O. 153, 15. pp. 292-294.]

Feb. 21.  
Whitehall.

**479.** Council of Trade and Plantations to the Lords of the Committee of the Privy Council. In reply to Order of 13th inst., find the allegations in the petition of the German Lutheran Congregation in Virginia to be true etc. *Conclude*: We are humbly of opinion that H.M. may be graciously pleased to order his Governor of Virginia to move the Council and Assembly to renew the exemption granted to the petitioners by the act of 1720, for the term of ten years longer etc. [C.O. 5, 1366. pp. 120, 121.]

Feb. 21.  
Whitehall.

**480.** *Same* to Lt. Governor Gooch. *Enclose* H.M. Order as to setting out Lord Fairfax's land in Virginia. *Conclude*: We take leave to recommend his Lordship to your favour and protection and desire you will give him all convenient dispatch etc. [C.O. 5, 1366. p. 122.]

Feb. 24.  
Whitehall.

**481.** Duke of Newcastle to the Governors of Jamaica and Virginia. *Encloses following.* *Directs them* to make enquiry and transmit as soon as may be an account of what grounds have been given for this complaint of the Court of Spain. *Signed*, Holles Newcastle. *Copy. Annexed*,

481. i. Memorial presented by the Spanish Ambassador. London, <sup>28th Oct.</sup><sub>8th Nov.</sub> 1734. *Abstract.* His Catholic Majesty is surprised to learn the following extraordinary facts, and relies upon H.M. justice to apply the promptest and most effective remedy for the satisfaction and extinction of similar excesses. On 5th April, 1733, Don François Lopes Marchan, Alcalde Mayor of Tabasco in the Province of Yucatan, informed His Majesty that on his voyage in his ship, duly registered, from Cadiz to the said town, he was taken by an English frigate, and brought to the port of Hampton in Virginia, where he saw some Indians from Campechy in slavery; that from thence he was taken to Jamaica, where he found about fifteen other Indians in captivity, and amongst them a boy of nine years old, who on learning that Don Marchan was a Spaniard, wished to speak to him and began to weep, but an Englishman withdrew him violently from his presence. That he also met there some women of the people of Saint Jean Baptiste of Tenossique from the same Province of Campeche, amongst whom was one who made known that she was a Christian and entreated him to deliver her, and also one of her sisters aged 16, from the wretched state in which they had been for six years since they were sold, at the time when the Indians, Zambos and runaways of Mosquitos, (*les Moiens Zambos et Vagabonds de l'isle des Mosquitos*) attacked and carried off an



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entire people from the province of Campeachy ; adding that there were also in Jamaica an immense number (*infinité*) of Indians who had been sold in the Plantations. Don François applied to the Commadore of H.M. ships of war, to reclaim these Indians in the name of the King. But he replied that he must await instructions from His Majesty. And being no less certain that the masters of the ships of the Assiento, abusing their special privileges, carry off many Indians, as has been proved in the last fleet, by the merchant vessel of Captain Monsalve, who took near Havana an English sloop which was carrying off six Indians from Campeachy, and which he abandoned, as also that the exactions made by the Indians, Caribee Indians, blacks and Zambos of Mosquito Island in the Provinces of Honduras, Nicaragua and Campeche, are at the instigation and under the protection of the English of Jamaica, with whom they trade and sell the Indians who do not submit to them for guns, powder and ball *etc.* As these matters are of the greatest importance, and the selling of the Indians is contrary to the natural law of mankind, both call for a prompt and effective remedy. His Catholic Majesty expects that your Majesty will send immediate orders to the Governors of your adjacent Colonies, that the Indians enslaved in Jamaica and Virginia be at once restored, and that they should not permit the sale of Indian subjects of His Majesty by the Assiento ships or by any other means *etc.*, and that your Majesty will express your displeasure with all who have taken part in such outrages *etc.* *Signed*, R. le Conte de Montijo. *French. Copy.* [C.O. 324, 36. pp. 489-493]

Feb. 26. **482.** Council of Trade and Plantations to the Duke of  
Whitehall. Newcastle. Enclose, for H.M. orders thereupon, extract from Governor Fitzwilliam's letter with an account of a contagious fever and an intended insurrection of the negroes at Providence. [C.O. 24, 1. p. 298.]

Feb. 26. **483.** Council of Trade and Plantations to the King. Propose  
Whitehall. Samuel Byam for the Council of Antigua, in the room of Francis Carlisle, deed. [C.O. 153, 15. p. 295.]

Feb. 27. **484.** President Ayscough to the Council of Trade and  
Jamaica, Plantations. My Lords, the rebels, since their chief town has  
Spanish Town. been taken from them, which we still keep possession off, have been so distressed, for want of provisions and ammunition, that they have been forced to disperse themselves into severall bodies, one of which consisting of about one hundred and forty men, women and children, is making the best of their way to the parish of St. Elizabeth's, the Leeward part of the Island, to find out some remote place to settle in, or to join one John Cuffee, Capt. of another gang of rebels, that way ; This aect. I had, from a young

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negro man, who, after he had kept them company for two days, in their way thither, made his escape from them; a copy of whose examination I have inclosed to your Lordships, and whose information agrees with other advices I have received. I immediately upon this intelligence ordered flying parties, out of the severall middle parishes of this Island, to intercept them in their way; and if they should not meet with them, another strong party in search of them, to pursue them into the place, where they are goeing to settle. I did myself the honour in my last to acquaint your Lordships, pursuant to a former proposal made by your Lordships to the late Governor Hunter, that I sent one Mr. Granvill, whom I appointed a Lieutenant, in one of the Independent Companies, to capitulate with the rebels, who carried with him proper instructions, to treat with them upon the terms of freedom, and having land allotted them, for their settlement; This enterprize at present has had no effect, for your Lordships' particular information, I have likewise inclosed a copy of his letter to me. Since his return I have been informed by a rebellious negro man, lately taken and brought in, that one of their Captains, named Goomer, born in the woods, and a very stout fellow, would come in, with all his men, which consists of about forty or fifty, if they could be pardoned, I accepted of this offer, and have sent the same gentleman, to endeavour to find that Captain out, to treat with him, upon the terms of his pardon and freedom; how he has succeeded I have yett no account, as soon as I shall hear from him, shall take the first opportunity to communicate the success of this negotiation to your Lordships. By the daily information I have received of the rebels being distressed, and of their being continually harrassed by the severall parties, which are sent out against them, I'm not without hope in a short time, either to oblige them to submit, or reduce them; severall of them have lately been killed and some taken alive, and I have lately received advice that Capt. Campbell, whom I sent in pursuitt of them, with the Independent Company under his command, joyned with forty shott of our party, had taken a spy, near Port Antonio, who offered, on his being pardoned, to carry them to a place where the rebels were, consisting of fifty shott and a great number of women and children, where they may be surprized, and taken: This account I have had but the day before my dispatching this express, and in a few days I expect to have a good acct. of them. *Signed, J. Ayscough. Endorsed, Reed. 12th June, Read 15th July, 1735. 1 $\frac{3}{4}$  pp. Enclosed,*

484. i. Examinaton of two negroes named Cudjoe, "who were lately of the black shott of the party commanded by Lt. Simon Booth." 10th Feb., 1734 $\frac{1}{2}$ . A rebellious negro prisoner told them recently at Mountain Spring, St. James's parish, that Capt. Gummer and all the rebellious negroes with him would come in, if they were pardoned, for that Capt. Cudjoe and his gang troubled him much, and for fear of him and the Backarara parties [*white men*], Gummer was forced to go every day to a new place. *Endorsed, Reed. 28th May, 1735.  $\frac{1}{2}$  p.*



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484. ii. Information by "an Ebo named Cupid" escaped from the rebels. Taken at Mr. Bendish's estate, St. Mary's 31st Jan., 1734. About 40 rebellious men and a far greater number of women and children lay on Wednesday night the 29th instt. at John Townsend's penn on Wagg Water three miles up the river from Mrs. Mercer's, under the command of Quarentine or some such name, with whom are also Collo. Nedham's Cuffee and Tomboy and Mr. Samuel Orgill's Apollo and Duke. They crossed the river below Townsend's the next morning in order to fall upon some adjacent plantation for provisions, cloaths and ammunition to enable them to proceed on their march to John Cuffee's Town, somewhere to leeward, which they could not do from their weakness thro' hunger and fluxes without some selling of provisions in particular. They had a long while lived on the wild produce of the woods alone whence they died very fast in their marches, and within three days killed four of their men who were so weak with hunger that they could not keep pace with the rest. They had fire arms, macheats and launces sufficient, as also plantation tools but very little powder, some a charge or two, but the major part none at all, were so much afraid of being discovered that they filled up or smoothed their tracks when they went over sand or soft earth. He never knew of any supply of ammunition they had but by robbing plantations and what former parties left them in their flights. He saw three white men that were taken in some of those parties carried to the Negro Town and there put to death by hanging. When Broadgate's or Edwards's Pompey deserted them, they putt Queen and her two children to death, being negroes they carried away from Edwards's at the same time as Pompey. Adou keeps still to windward (vizt. about Edward's, John Brooks's and Hobbey's) with a great party and amongst them Mr. Orgill's Scipio, Cesar and Adubah, also Nanny and her husband, who is a greater man than Adou but never went in their battles.

1 p.

484. iii. Bevill Granville to President Ayscough. Woodstock. Feb. 6, 1734. Explains his failure to make terms with the rebellious negroes, who warned him that if he came to them again they would kill him *etc.* Signed, Bevill Granville. *Endorsed as covering letter.* 1 large p. [C.O. 137, 21. ff. 203, 204, 204 v., 206-207, 208, 208 v.]

Feb. 27. **485.** President Ayscough to the Duke of Newcastle.  
 Jamaica, Duplicate of preceding covering letter, *mutatis mutandis.* Signed,  
 Spanish Town. J. Ayscough. *Endorsed*, R. 13th June. 1½ pp. *Enclosed*,  
 485. i.—iii. Duplicates of encl. i.—iii. preceding. [C.O. 137,  
 55. ff. 156-159, 160.]

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Feb. 28.  
Whitehall.

**486.** Council of Trade and Plantations to Committee of Privy Council. Recommend for H.M. approbation the 3 acts of Georgia mentioned Feb. 18. [C.O. 5, 401. pp. 134, 135.]

Feb. 28. **487.** Governor Mathew to Mr. Popple. I receivd yours St. Christophers recommending Mr. Brounker, who shall find me heartily his friend as any occasion may happen for me to serve him. I send herewith three Montserat Acts, which require no explanation of mine upon them. The Church Act is indeed somewhat trifling about the choice of a sexton. They have no vestrys in that Island. I formerly wrote to their Lordships on that particular. I desire you will with my duty present these three Acts to their Lordships. *Signed*, William Mathew. *Endorsed*, Recd. 22nd April, Read 30th July, 1735. *Holograph*. 1 p. [C.O. 152, 21. ff. 109, 112 v.]

March 3.  
London.

**488.** Mr. Wilks to — Conraud. Is informed that an order has been obtained from the Court of Spain for restitution for 4 English vessels laden with salt and taken by Spanish of men of war near Tortuga in Feb. 173 $\frac{3}{4}$ . As Agent for New England owners of two of said vessels, asks for said order. *Signed*, Fra. Wilks. *Subscribed*, Receipt for said order, March 11th. *Signed*, Fra. Wilks. 1 p. [C.O. 318, 3. No. 48.]

March 6.  
Whitehall.

**489.** Order of Committee of Privy Council for Plantation Affairs. Referring following to the Council of Trade and Plantations, who are to consider the same, and examine what right the Crown of Great Britain may have to the island of Sta. Cruz, and make report thereof to this Committee, together with what they shall conceive proper for H.M. to doe therein. *Signed*, Ja. Vernon. *Endorsed*, Recd. 12th, Read 27th March, 1735. 1 p. *Enclosed*,

489. i. Lord Harrington to the Earl of Wilmington, Lord President of the Council. Whitehall. 22nd Nov., 1734. The King having been informed that the Island of Sta. Cruz in America has been sold by the French to the Danish West India Company (v. 20th Nov., 1734), and that a contract has been made and concluded for the sale thereof, in pursuance of which contract the Danes have sent a ship to the said Island to take possession of it, and to plant a Colony there, H.M. has thereupon ordered me to acquaint your Lordship with this matter as being proper to be laid before His Privy Councill, that H.M. may upon consideration thereof give such orders in this case as shall appear necessary. *Signed*, Harrington. *Copy*.  $\frac{3}{4}$  p. [C.O. 152, 21. ff. 15, 16. 23 v.]

March 6.  
Whitehall.

**490.** Order of Committee of Council for Plantation Affairs. Referring to the Council of Trade and Plantations, for their opinion upon, the report of Governor Fitzwilliam upon the repairs and new works necessary at Fort Nassau, with plans and



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estimate, and also an account of stores and stores needed *etc.* *Signed*, Ja. Vernon. *Endorsed*, Reed. 7th March, Read 10th July, 1735.  $\frac{3}{4}$  p. *Enclosed*,

490. i. Pencil sketch of the hill behind the town of Nassau on the Island of New Providence, showing the church, Governor's house, and Fort Nassau *etc.* 2 large folded pp. [C.O. 23, 3. ff. 105, 106, 107, 108 v.]

March 6.

**491.** Mr. Fane to the Council of Trade and Plantations. In obedience to your Lordships' commands signified to me by Mr. Popple's letter of the 11th of Feby. inclosing a copy of the Pensilvania Charter and desiring my opinion in point of law whether H.M. repeal of a Pensilvania Law by order of Councell only may not be deemed an effectual repeal within the meaning of the said Charter. I have perused the said Charter and am humbly of opinion that no repeal of any law of this Province will be valid unless it is declared to be void under the Privy Seal, that method being expressly directed by the Charter. I have also considered the Act for confirming the repeal of divers laws of this Province, to which I have no objection. It being intended only to aid the informality of the repeal of severall laws under the Council Seal when it should have been under the Privy Seal. *Signed*, Fran. Fane. *Endorsed*, Reed. 7th March, Read 3rd Dec., 1735. 1 p. [C.O. 5, 1268. ff. 177, 178 v.]

March 6.  
Whitehall.

**492.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Ja. Vernon. *Endorsed*, Reed. 12th March, Read 24th July, 1735.  $\frac{3}{4}$  p. *Enclosed*,

492. i. Petition of the Council and Assembly of Montserrat. Humbly beg leave to lay before H.M. the poor and defenceless condition of the Island *etc.* Most of the cannon was made useless when the island was plundered in 1712, "and we were not so happy to be considered after our great losses as Nevis and St. Christophers" *etc.* Most of the poorer inhabitants are still and are likely to continue unable to purchase small arms for themselves. Pray H.M. to order cannon, small arms and stores of war for the service of the island *etc.* 14 signatures. *Endorsed*, Reed. 12th March, Read 24th July, 1735. 1 p. *Enclosed*,

492 i. List of stores required for Montserrat. 42 cannon from 6 to 24 lbs., 500 small arms *etc.*  $\frac{1}{3}$  p. [C.O. 152, 21. ff. 79, 80, 81 v.]

March 7.  
Whitehall.

**493.** Order of Committee of Council. Council of Trade and Plantations are to prepare an additional Instruction to the Governor of Virginia to move the Council and Assembly to renew the exemptions granted the Lutheran Congregation in 1720 for 10 years longer *etc.* *Signed*, Ja. Vernon. *Endorsed*, Reed. 12th, Read 14th March, 1734.  $1\frac{1}{2}$  pp. [C.O. 5, 1323. ff. 118, 118 v., 125 v.]

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March 7.  
Georgia Office.

**494.** Benjamin Martyn to the Council of Trade and Plantations. The Trustees have perused the Representation from the Assembly of South Carolina *etc.* *Continue* :—[They] are of opinion that the only method for the security thereof is the settling Colonies from the sea along the Alatomaha and Ocony rivers, and from thence under the Apaitian mountains to the Ogeeche and Savanah rivers at proper distances from each other, and opening roads, and settling communications both by land and by water ; which will not only secure South Carolina on that side, but likewise cover many millions of acres, and give encouragement to numbers of people to settle on the same ; by which there will be an increasing strength for defence of the said countries ; and they beg leave further to observe to your Lordships, that such a chain of settlements will require at least eight hundred white men with their families ; and this with the settlements already made and improving in Georgia, they think will be the most effectual means of securing and preserving Carolina on that side, from whence they apprehend most danger in case of a war. But for what may be necessary for securing the said Province on the Northern frontiers and the sea coast, the Trustees submit that to your Lordships. *Signed*, Benj. Martyn. *Endorsed*, Recd. 11th March, Read 19th Sept., 1735. 2 pp. [*C.O.* 5, 364. ff. 253, 253 v., 254 v. ; and 5, 666. f. 44 v.]

March 8.  
London.

**495.** Mr. Coope to Mr. Popple. In reply to 5th March, has not received any instructions from the Governor in reply to his representation on the variation in the new powder act of St. Kitts. *Suggests* that it be suffered to continue until the former act can be revived. The reason assigned for the change to payment of half the duty in money is that powder will not keep in those parts *etc.* *Signed*, Ri. Coope. *Endorsed*, Recd. 10th, Read 14th March, 173 $\frac{1}{2}$ . 1 p. [*C.O.* 152, 21. ff. 10, 13 v.]

March 8.

**496.** Mr. Furze and Mr. Yonge to the Council of Trade and Plantations. *In reply to 6th March*, as to defence of S. Carolina, describe frontiers, with French and Spanish settlements on South and South West, and refer to the memorial for the Province. *Continue* :—If the Colony of Georgia, now become a frontier to Carolina, could be enabled to secure themselves (even with the assistance that may be afforded them by Carolina), a very great stop may be put to the designs, or efforts of the beforesaid Powers, who seem to be preparing (especially the French) for such an invasion, having on the Mississippi and their other settlements, not less than 2000 regular forces and 500 horse, which they call Couriers du Bois, or Woodrangers, with good officers, besides vast bodies of Indians, which may with ease fall into Carolina by land : To oppose whom (if the whole Militia could be raised) they would not amount to 3000 fighting men, who must be taken from their plantations, or occupations as tradesmen and handicrafts, the



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consequence of which must be, though their success should be ever so happy, very ruinous to the Province, for their being under arms one year would be the loss of a cropp, which may be estimated at 60,000 barrels of rice, which sold at a foreign market are worth at least £70,000 sterling, besides pitch, tarr, turpentine etc. They could not load any ships nor pay any debts due to the British merchants; they would have all their stocks of cattle, of which they have many thousands in the woods, destroyed, which would serve in this case to subsist the enemy in their march to Charles Town, where there is not so much as a palisado ditch or wall to resist them; but the strongest temptation is *etc.* a booty of 24,000 negroes, who would in all probability on a promise of their freedom joyn them, and help to destroy their masters, which negroes being valued at but £20 sterling a head is £500,000, so that the gain of such an expedition if they only plundered the Province, would amount to near a million sterling. But if they could become masters of the Province, it would be hard to say of what ill consequence it might be to the Northern Plantations, *etc.* This may serve to shew the necessity of securing these Southern and Frontier settlements *etc.* Propose that (1) the new Colony of Georgia should by all manner of ways possible be strengthened, and encouraged (as we are informed they propose to do) to erect forts in proper places from the Appalachian mountains to the sea, on the rivers Allatamaha and Oconey, and from thence to the Ogeeche and Savanah rivers, with roads of communication *etc.*, which if effected will secure South Carolina, and all the Northern Plantations to the landward, especially as the Province of Carolina has had the good fortune to make a settlement of Swiss Protestants on the north side of the river Savanah, where there is now some hundreds, and if not disturbed may in time be a great access of power to the Province *etc.* But as the charge of bringing over, subsisting, and settling the said Swiss have been mostly born by the Province, who have expended more than the whole duty on the imports of negroes and other merchandize amounts to, which has rendered it impossible for them to put the fortifications of Charles Town in a proper situation to resist a formidable enemy, much less to fortify and put in a proper posture of defence the harbour of Port Royal, much the best harbour in that part of America, it is humbly hoped that H.M. will be graciously pleased to enable the Province to fortify that harbour, and to erect buoys and beacons in such a manner as to render it useful to H.M. shipping, and safe for the reception of his stores: that H.M. will be further pleased to give directions for repairing the fortifications of Charles Town, and to order such other stores and military instruments for the defence thereof, and to facilitate the mounting the ordnance already sent there, and arming the Militia of the country, if occasion should require. A very great sum of money has been already laid out by the Assembly for that service; but much more will be wanting and cannot be raised without H.M. assistance *etc.* Submit whether a proper officer should not be sent over, to inspect and direct the doing thereof *etc.* Signed, Perege. Furye, Fra. Yonge. Endorsed,

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 Recd. 11th March, Read 19th Sept., 1735. 3 pp. [C.O. 5, 364.  
 ff. 255-256 v.]

March 9. **497.** John Penn to the Duke of Newcastle. The favourable  
 Pensilvania. reception your Grace has always been pleased to give me, when  
 I have taken the liberty to wait upon you, with the distance I  
 am now from England, makes me presume to take this great  
 liberty, which I hope your Grace's goodness will excuse, and give  
 me leave to represent a difference which has long subsisted  
 between my Lord Baltemore's ancesters, and my family, with  
 relation to the boundarys of the Provinces of Maryland,  
 Pensilvania, and a tract of land call'd the Three Lower Countys  
 of Newcastle, Kent, and Sussex on Delaware, which were granted  
 by the Duke of York to my father. This dispute my Lord Duke  
 began, soon after the Charter granted by H.M. King Charles the  
 Second, to my father for Pensilvania, on which there has been  
 severall hearings in Council, wherein we have had our title to  
 these lands confirm'd. But my Lord Baltemore's ancestors  
 not allowing those decisions to be valid, still claim'd the land as  
 within the description of his patent, but to end all our differences  
 his Lordship proposed, our entering into a friendly conference,  
 to come to an agreemt., this we accepted, and heard my Lord's  
 proposalls, which after severall meetings and near a year's  
 consultation, we agree'd to without any alteration whatever, and  
 sign'd an agreement accordingly by which his Lordship grants  
 us all his right and title to these Countys, notwithstanding he  
 knew part of them were indisputable within the description of  
 his grant. This being our case, and having taken the best  
 advice that these articles will be always binding on my Lord, it  
 was with some surprise I recd. a few days ago, advice of his  
 having presented a petition to H.M., praying a Charter for those  
 very lands, for which a valuable consideration was given him,  
 by us in the agreement, a copy of which I have taken the liberty  
 to inclose, and as your Grace's many great affairs, may not allow  
 time to read the whole, I beg leave to referr to the tenth Article.  
 On which I humbly submitt it to your Grace's consideration,  
 whether my Lord can have any claim to these lands; they  
 never having been under his jurisdiction, but from the date of  
 his Lordship's patent, have been in the possession, first of the  
 Governmt. of New York under the Dutch, and after that place  
 was taken by the English, continued under King Charles the  
 Second, and the Duke of York, (as grantee of New York) till  
 convey'd to my father, who att a great expence, has much  
 improved them, and has had constant possession ever since,  
 being above fifty years; I hope, my Lord Duke, when these  
 facts come before H.M. most honourable Privy Council, we shall  
 have time allow'd to prosecute our claim in a Court of Equity,  
 before any grant passes to my Lord Baltemore. I heartily ask  
 pardon for the freedom I have taken in this long letter, which  
 I hope for, from your Grace's know[n] good nature, and the  
 necessity I am under att this distance to represent my case.  
 I am with the greatest regard, your Grace's much obliged



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and sincere Friend. *Signed*, John Penn. *Holograph*. 2 pp.  
[C.O. 5, 1234. No. 14.]

- March 11. **498.** Governor Fitzwilliam to Duke of Newcastle. I had  
New the honour to inform your Grace in September last of a designed  
Providence. insurrection among our slaves, and of the number of them that  
were connected on that score, as also of the great mortality among  
the inhabitants, of whom there are dead at least one-third of  
those that were capable of carrying arms, so that we are at  
present able to make but little defence against whatever enemy  
may think proper attack us ; therefore I humbly hope your  
Grace will be so good, as to take the affairs of this distress'd  
Government under your more immediate consideration, and  
think of some means whereby to increase our numbers, which in  
my humble opinion cannot any way be done so well, as by  
encouraging some of those Palatines that daily flock into England,  
to come and settle here, *etc.* I have lately prorogued the  
Assembly of these Islands to Nov. next, *etc.* *Transmits Journals*  
of Council and Assembly and acts passed during the late session,  
with his reasons for assenting to them *etc.* *Signed*, Rd.  
Fitzwilliam. *Endorsed*, R. 16th Sept. 2 pp. *Enclosed*,  
498. i. Ordinance by Governor Council and Assembly of the  
Bahama Islands to empower the Governor and Council  
to make an agreement with any person for a dwelling  
house for the Governor for the time being. 13th Dec.,  
1734. *Parchment*. 1 p.  
498. ii. Minutes of Council of the Bahama Islands. 17th July,  
1734-Jan. 4th, 1734½. *Copy*. 38 pp. [C.O. 23, 14.  
ff. 237-239 v., 240 v.-268 v.]

- March 11. **499.** Governor Fitzwilliam to the Council of Trade and  
New Plantations. *Begins as preceding. Continues* :—I have since  
Providence. then at the request of the Assembly prorogued them to November  
next and I have herewith transmitted copys of the Journals both  
of the Council and Assembly, as also of the laws that were pass'd  
during the Session, the titles whereof are here inclosed with the  
proper observations thereon, and the motives that induced me  
to give my assent, which laws I hope your Lordships will find  
as nearly conformable to my Instructions, as can be expected  
from a man in a country where the generality of the people are  
so very ignorant, obstinate and spirited up to sedition as they  
are here, and I doubt not but your Lordships will judge favourably  
of me in any point wherein I may have err'd, which I hope you'll  
believe can be no other than in judgment, because it will appear  
I have neither demanded or got one single shilling from the  
people since my arrival among them, and that my sole endeavours  
have been to reduce them to some form of government, whereto  
they have not only been utter strangers but entirely aversed ;  
whereof I presume your Lordships will be convinced, when I tell  
you that every book and paper relating to the former transactions  
of the Government and the laws were secreted before my arrival,  
and that many people do not stick at saying publickly, that this

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island has been ruined ever since the morooning gentlemen (as they term the Pirates) were banished from the place. Your Lordships may perhaps, at first view of the Revenue law, think I have transgressed in suffering a duty to be laid upon negroes imported, but I humbly conceive what I have done to be no more than suffering a thing to continue upon the same footing it has been for some years past, as you will please to observe by the former duty bill which lyes before you, besides the Assembly were so obstinately bent upon continuing this duty, tho' so trifling, as not to have raised near five pounds pr. annum one year with another since it was first laid, that I could not get this bill without it, which with a few amendments that the Assembly may some other time be prevail'd on to make, in every other respect I hope will be deem'd well calculated for H.M. interest, and raise a revenue sufficient to support the Government, if ever it should please God to permit this settlement to flourish, of which I cannot say there is any great prospect at present, having as I said before, lost so many of the inhabitants by the contagion, and so little appearance of anything being done at home to replenish our numbers by sending over a few Palatines, or compleating the affair of the purchase of these islands from the Proprietors, which if done will certainly encourage people to come and take up land here. I have herewith sent your Lordships the Treasurer's accounts of our revenue to Christmas last, by the smalness whereof your Lordships will necessarily observe the very great streights and difficultys I lye under to defray the little contingent charges of the Government, and notwithstanding our frugality on all occasions, and that the allowances to the officers are so small that we can scarce get any to serve us, yet we are more in debt on that account than will be rais'd by this new bill for some time. Your Lordships will also herewith receive as perfect a list of the number of our inhabitants as I can get, but as to an account of the strength of our neighbours, which is requir'd of me by my 78th Instruction, I cannot give you any, there having been no vessel from the French settlements in this Government since my arrival, nor above one or two from Cuba, but I have daily information that the Spaniards continue to take our vessels in the Windward Passage and carry them into the Havana. I acquainted your Lordships in my last that I had sworn into the Council William Hale and John Thompson Esqrs. in the room of Acklom Hurst deceased, and Chaloner Jackson, who desired to be excused any longer attending the Board. *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 16th, Read 30th July, 1735. 2 pp. [C.O. 23, 3. ff. 118, 118 v., 121 v., and (abstract) 119, 119 v.]

March 11.  
New  
Providence.

**500.** *Same to Mr. Popple. Refers to enclosures, which he hopes will be pleasing to him as well as to the Board, "for I do assure you that true pains have not been wanting on my side, to discharge my duty in every respect, however I may at any time have mistook the method. I have had the honr. to have*



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writ several letters to the Board since my arrival here, but have not recd. one single line from your office, which I mention to you only, that you may know, that if you have sent me any letters or orders, they have miscarried, as indeed many letters I have writ to, and have been wrote to me from England, have. I hope I need not tell you that any private commands you may have for me here, will allways be acceptable to your very humble servant." P.S.—I hope you will excuse my puting a letter for Sr. Charles Wager, and one for your brother in ye box with ye acts, and that you will send them to their houses. *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 16th, Read 30th July, 1735. *Holograph*. 1½ pp. *Enclosed*,

500. i. List of Acts of the Bahama Islands passed at an Assembly begun 20th Aug., 1734, with Governor Fitzwilliam's observations thereupon. (i) *Act for the governing of negroes*. This act had its rise by a bill in the lower House upon a combination which was discovered among the negroes *etc.*, and enacts no more than what is agreeable to the laws of our neighbouring colonies in the method of trying and punishing these savages. (ii) *for levying divers sums of money for the payment of officers' salaries, defraying the expence of holding Assemblies, and other contingent charges of the Government*. This law continues some duties imposed by an *Act for levying divers sums*, which passed in the Government of Mr. Rogers, but was so defective with regard to the powers of executing the same, and the duties were thereby so imprudently and unequally laid, that but a very small part thereof could ever be collected, people having found so many methods of evading the payment thereof as occasioned continual disputes and contests between the Treasurer and the inhabitants. This act lays duties also upon salt, plank and timber whereon there were none before; all which duties, 'tis apprehended, will not prove at present sufficient to answer the purposes intended thereby, vizt. the defraying the contingencies of the Government, or make good the deficiencies already incurr'd on that account. (iii) *for naturalization*. This act began in the lower House in order to encourage a few industrious foreign Protestants, who have been some time upon this island, to continue here, and others to come and join them, who are at present very much wanting *etc.* (iv) An ordinance by the Governor, Council and Assembly, *to empower the Governor and Council to make an agreement with any person or persons for a convenient dwelling-house for the Governor for the time being*. This ordinance had likewise its rise in the lower House *etc.* (v) An act *for the erecting these islands into one parish, appointing a vestry, repairing the church, for the maintenance of orphan children and registering births marriages and burials*. This is a new law and the first of the kind

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that ever was pass'd in these islands, and the inducements for enacting the same appear so strongly in the title, that 'tis not thought necessary to give any other reason for assenting thereto *etc.* (vi) *Act for repairing the highways, and clearing the streets and lots in the town of Nassau.* This is deem'd a very useful act, and generally approved, and was first begun in the lower House : it impowers the Governor to appoint surveyors, and directs them in the manner of their duty. There was a law of this kind pass'd during Mr. Rogers's Government, but secreted with the other acts *etc.* (vii) *To prevent the stealing salt, planks, timber etc., as also hogs and goats put upon small keys and islands within this government to breed, and robbing tortoise crawls.* This law had its rise in the Council. (viii) *To prevent exactions of venders of fresh meat and retailers of strong liquors.* (ix) *To prevent abuses by false weights and measures.* *Endorsed, Recd. 16th July, 1735. 2½ pp.*

500. ii. Account of H.M. revenue arising in the Bahama Islands, 25th Dec., 1733 to 24th June, 1734. Cash and tonnage and duty on liquor paid by 20 vessels = £65 2s. 5d. in currency which is 50 p.c. advance upon sterling. *Expenditure*, for bunting *etc.* for a flag for the fort, £23 0s. 6d. For books, paper and stationery ware for the Council's Secretary's office and Assembly and Treasury, £56 5s. 0d. Treasurer's Commission, £3 11s. 10d. = Total, £82 17s. 4d. *Signed and sworn to by, William Stewart, Treasurer. 1½ large pp.*

500. iii. Account of same 24th June—25th Dec., 1734. Tonnage and liquor duty paid by 17 vessels, £57 1s. 3d., and cash received from John Colebrooke "being money he gott clandestinely into his hands which arose from the sale of sundry lots of land in Nassau sold by order of the Court of Claims," £87 6s. 9d. *Expenditure*, £144 14s., including half-year's salaries of officers, minister *etc.* and £11 12s. repairs of the church. *Signed and sworn to, by William Stewart, Treasurer. Endorsed, Recd. July 16th, 1735. 1¾ large pp.*

500. iv. List of inhabitants of the Bahama Islands, Dec. 25, 1734. *Names given. Totals :—*On New Providence, whites, 461 ; mulattoes, free, 77 ; slaves, 443. On Islathera, whites, 198 ; slaves, 38. On Harbour Island, whites, 151, slaves, 10 = whites, 810 ; slaves, 491 ; mulattoes, 77. *Same pp. Endorsement. 9½ pp. [C.O. 23, 3. ff. 122–124 v., 125 v.–132 v.]*

March 11. **501.** Resolution of the House of Commons. That an humble address be presented to H.M. that a copy of the memorial and representation of the state of S. Carolina from the Governor, Council and Assembly, 9th April, 1734, be laid before the House *etc.* *Signed, N. Hardinge, Cl. Dom. Com. Endorsed, Recd., Read 12th March, 1734. ¾ p. [C.O. 5, 364. ff. 19, 20 v.]*



1735.

March 12. **502.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 5 acts of St. Kitts, 1732, *enumerated*. Signed, Fran. Fane. *Endorsed*, Recd. 12th March, Read 27th Feb., 173 $\frac{1}{2}$ . 1 p. [C.O. 152, 21. ff. 4, 5 v.]

March 14. **503.** Council of Trade and Plantations to Lt. Committee of Privy Council. In pursuance of Order of 7th inst. enclose following. *Annexed*,

503. i. Draught of H.M. Additional Instruction to Governor the Earl of Orkney, directing him to move the Council and Assembly to renew the act of Virginia, 1720, *for erecting two new counties etc.*, so far only as to exempt the German Lutheran congregation settled in the Prince of Orange's County from paying any parochial dues or charges to the parishes of St. George's and St. Andrew's for the space of ten years, if they shall so long continue to maintain a Minister of their own. [C.O. 5, 1366. pp. 123-125.]

[March 15.] **504.** Capt. Cotterell to the Council of Trade and Plantations. Reply to Heads of Enquiry relating to the Fishery and Trade of Canso in Nova Scotia and parts adjacent. (v. April 23, 1734.) *Fishery on the Island of Cape Britton*. There are severall sloops and schooners belonging to the town of Louisbourg, which make their fish there, and now 20 ships in ye harbour that are to carry the fish to markt, there are according to ye best computation, belonging to neighbouring harbours on ye same island 200 sloops and schooners, and 15 ships at present to carry of the fish, there has been double the number the seasons heretofore. There are 700 shallops that fish on ye island. As to the Irish papists employed in the troops or fishery, I saw none and have been informed there are but few. Upon taking a view and notice of the fort and the severall batteries, I found them to be thus. Vizt. that facing the entrance of ye harbour called batterie royall, a very fine one wth. barracks for your companys, and two small towers at the back of it, each tower casmetted on ye top, and six four pounders mounted thereupon, on the battery are 44 . . 52 pounders. At the fort battery wch. is the west end of the harbour are 18 . . 24 pounders. At the Dauphin's Battery which is at ye town gate and is at the westernmost end, also are 24 . . 36 pounders. At the Queen's Battery at the S.E. end are 24 . . 36 pounders. On the island close on ye larboard side coming in to ye harbour is a battery as also a good strong barrack of lime and stone for a compy. where they mount a guard, there are mounted 30 . . 36 pounders. The number of forces that at present belong to ye French at ye garrison of Louisbourg are 8 French companys, each consisting of a Captn., Lieut. and 2 ensns., 2 serjts., 2 corpls., 1 drum and 60 private men, there is also one company of Swiss consisting of a Captn., Lieut. and ensn., 3 serjts., 3 corpls., 2 drums and 100 private men. There are of the abovesaid French forces detached to French settlements vizt. to Port Toulouse, a Captn., ensn. and 25 men. To

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the Port St. Pierre's on the Island of St. Johns in Bay of Vert a Lieutenant and 25 private men. *Fishery at Canso.* (i) The inhabitants are possessed of stages, flake yards and houses, which they hold by virtue of grants made to them by the Governor or Commander in Chief of the Province, with the advice of H.M. Council, which grants are to them, their heirs and assigns for ever, paying a certain quit rent yearly. Some two of fish and some two fowls to the Govr. in Chief of the Province. (ii) At the removal of the fishery, they leave their fatts etc. under the care of some one of the inhabitants that winter in the place to avoid any accidents. (iii) The fishery is chiefly carried on by H.M. subjects from New England, some from New York also, and from Annapolis Royal, the metropolis of Nova Scotia, with some few from the west of England. (iv) This fishery is supplied with cordage, canvas, lines, nets and tackle, woollen, linnen etc. from Great Britain originally (that is to say) the produce of the fish is remitted to England, from Spain and Portugal, and from thence stores of all sorts are sent in returns to New England etc. where the fishery fit out for the voyages. (v) The wages paid the fishermen is in their voyage, of which it is customary that the whole crew has a proportion and share, and are paid in bills or what else the fish is sold for. (vi) The charge of building a vessel for this fishery and fitting her to sea with stores etc. is from £200 to £300 sterling, according to the dimentions of the vessel and the number of hands. (vii) The number of inhabitants settled near the fishery are but few, what share they have in the fishery, and how they employ themselves the remainder of the year, I know not, they going to their homes. (viii) The inhabitants who stay the winter have all of them houses on the hill of Canso, where no fish is made, the flakes etc. being all round the waterside upon the other parts of the harbour, where the fishermen, shoarmen, and their owners etc. have houses amongst their flakes, for themselves and shore hands who cure the fish. (ix) As to the number of flakes, when any person has purchased an old, or has granted to him a new plat of ground, he doubtless makes as many flakes as are convenient for his own fishery, some having only a single sloop or schooner, that catches from 4 to 500 quintels, others have six, seven, eight, twelve or more, who are obliged to make themselves flakes etc. in proportion, which flakes are not built as in Newfoundland, being slighter, by reason after the season they return to their homes and repair them in the spring again. (x) The ships from G.B. are all victualled from England as are also a great part of the fishery, or else supplied by the store ship that victuals the troops, she being to load fish on her return home, always bringing a cargo of bread, butter, beef, pork, and canvas, cordage, linnens, pewter, brass and iron ware, etc. which is sold to purchase her loading of fish. (xi) The fishery is not carried on with ships and boats, but with schooners and sloops from 20 to 60 tuns, and the seamen are always upon shares. (xii) Taverns there are five or six in Canso, four of which are kept by the four serjeants of the companies, who trust only those they



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are allowed by the masters etc. (xiii) The masters always find their servants in drink at their work, and pay them in what they like. (xiv) The New England men carry back only their own crews, being very few English fishermen in this fishery. (xv) The complaint of the Consuls etc. from Portugal and Spain is not so much occasioned by any neglect or want of due care in the fishery as in the merchants, who usually freight ships upon charter party from the ports of England, Portugal and Spain, who are obliged to tarry a certain number of days only, which occasions the fish many times being shipt off sooner than would be otherwise if the ships would unanimously agree to tarry till a certain time later, when their fish would be more wrought and better cured. (xvi) The fish is taken upon several banks betwixt the coast of New England and Newfoundland, and is salted at sea, according to the seasons of the year, sometimes eight hogsheads of salt to the 100 quintels, and more or less as the season requires. (xvii) There is all proper care taken to avoid any abuses in the curing etc., the greatest inconvenience being as above in answer.

As relating to ye officers trading, I spoke to Captn. Aldrige, the commanding officer, and he reply'd to me, that he did not know that any Captn. of a ship of warr had any business with the officers there, if at home they had suspicion of their trading why did not their commanding officers send them orders as they thought proper on that occasion. These answers to your instructions are the best informations I could get, there being there was no fishery this year at Canso. *Signed*, Cha. Cotterell. *Endorsed*, Reed. 15th March, Read 23rd April, 1735. 3 pp. *Enclosed*,

504. i. Copy of Heads of Enquiry, April 23, 1734, q.v. [C.O. 217, 7. ff. 100-105, 107, 107 v., 110 v.]

March 18.  
Whitehall.

**505.** Duke of Newcastle to Lt. Governor Gooch. My Lord Fairfax being gone to Virginia to settle the boundaries (pursuant to H.M. order in Council which his Lordship has obtained for that purpose) of several tracts of land there, which were granted to his ancestors by King Charles the Second and King James the Second, to the inheritance of which his Ldp. is now entitled, I must desire you will do him what service you can therein by preventing as much as may be any unnecessary difficultys or delays in the dispatch of his business, and by assisting him with your good offices, whenever his Ldp. shall have occasion for them. *Signed*, Holles Newcastle.  $\frac{3}{4}$  p. [C.O. 5, 1337. f. 173.]

March 20.

**506.** Council of Trade and Plantations to the King. Recommend for H.M. approbation Act of Jamaica, 1733, to entitle *John Goulding Senr. of the parish of Vere, Planter, and his family, to the rights and priviledges of Englishmen born of white ancestors*, Mr. Fane having no objection thereto in point of law, and no complaint having been made against to us against the same for 18 months past, during which time it has lain in the Office etc. [C.O. 138, 18. p. 14.]

1735.

March 21.  
Whitehall.

**507.** Council of Trade and Plantations to the King. An act was passed in St. Xtophers *continuing the duties of gunpowder and small arms upon the tonnage of vessels trading to and with this island.* We have consulted Mr. Fane etc., who has no objection to it in point of law ; but we beg leave to observe to your Majesty, that in this act there is a proviso that one half of the gunpowder so imposed upon shipping shall not be paid in specie, but in money, at the rate of two shillings per pound, and it is also enacted that it may be lawful for any person to pay the sum of thirty shillings in lieu of any firelock to be paid and delivered by virtue of this act. We conceive that these provisions for commuting gunpowder and arms for money are inconsistent with the design of the act in the imposition of those duties, which were intended for the support of the magazines and the defence of the island. We beg leave also to take notice that this act is passed in derogation of the 17th Article of your Majesty's Instructions to your Governor of the Leeward Islands, by which he is directed to *take care that no clause or clauses be inserted in, or annexed to any act which shall be foreign to what the title of such respective act imports ;* whereas the present act, whose title imports the continuation of the former duties of gunpowder and small arms, changes part of them into an impost of money, and it is likewise contrary to the 23rd Article of the sd. Govr's Instructions, by which he is directed not to pass any law for laying duties upon British shipping, or by which the trade or navigation of this Kingdom may be any ways affected, for which reasons we humbly take leave to lay the said act before your Majesty for your disallowance. [C.O. 153, 15. pp. 295, 296.]

March 22.  
St. Christophers.

**508.** Governor Mathew to the Duke of Newcastle. The Spaniards from Puerto Rico have begun an open warr with H.M. subjects in these islands, with the advantage of carrying off all they meet from close under the shore of St. Christophers, nor are our homeward bound ships out of danger, tho' I have once already, and now again have fitted out a sloop of my own, and at my own expence, to open for them if possible a free navigation. We have not one of H.M. ships of war at present in the Government that I know of. I applyed indeed on the first account we had of these piracys to the Capt. of H.M.S. *Pearl*, and desired he would pursue the pirate, or at least retake his prizes, but he told me his Commadore had forbid him going to leeward of this Island, or if he saw the Spaniards had he any orders to meddle with him, so fill'd his water and is gone I beleive to Barbados. *Refers to enclosures. Concludes:—*The people here distract me with their complaints, and only pray for H.M. leave to do themselves justice. *Signed, William Mathew. Endorsed, R. June 4th. Holograph. 2 pp. Enclosed,*

**508. i.** Deposition of Capt. Thomas Gordon. March 1st, 1735. *Abstract:—*At St. Eustatia, where his ship now lies, an English sloop, Lewis Souir, master, came in and reported that she had been chased by a large Spanish privateer, 18 guns, 120 men, Spaniards and negros, on



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Feb. 27, off Saba, and fired many shot at her. From Souir's description of two sloops the privateer had with her, deponent thinks one of them was commanded by one Gilbert, bound from St. Eustatia for Bermuda, and the other by one Smith of Rhode Island, bound for St. Eustatia for St. Martin's, both which sloops the said privateer had taken just afore. The inhabitants of Saba fired several small shot at the privateer, to protect Souir after he had run ashore there, which he returned with a broad side. *Signed*, Tho. Gordon.

508. ii. Deposition of Lewis Souir, master of the sloop *Joanna* of Spanish Town. March 3, 1735. *To same effect as preceding.*

508. iii. Petition of merchants and commanders of ships inhabiting and trading to St. Christophers to Governor Mathew. A Spanish pirate fitted out and belonging to the Governor of Porto Rico has lately taken several English sloops. Prisoners whom they have landed declare they intend shortly to cut the ships out of the Road of this island. H.M. ships of war stationed for this island, and designed to protect the trade thereof, particularly the *Pearl*, commanded by Capt. Toller, have hitherto been very backward in answering these ends *etc.* *Pray* H.E. to consider methods for protecting them *etc.* 40 signatures.

508. iv. William Wells to Governor Mathew. March 20, 1735. I am encouraged from your Excellency's tender regard to trade, of which you have so lately given us a specimen, to lay before you the case of a snow, which if not protected by your own sloop clear of the islands, must inevitably become a prey to the Spanish sloop, who having left at Porto Rico the several sloops she had before taken, is returned among the islands, and by a certain account from St. Eustatia chased a schooner on the 18th instant allmost into that Road. *Signed*, Wm. Wells.

508. v. Deposition of Joseph Smith, late master of the sloop *Endeavour* of Rhode Island. March 22, 1735. Describes his capture by the Spanish pirate, (v. encl. i.) Deponent's lading was beef, fish, candles, soap, staves, and he had passengers for St. Martin's. Deponent and all were stripped of their clothes, and given an old ragged shirt. Deponent had on board 300 pieces of eight, Joseph Riddle, master of a snow at St. Eustatia, about 60 pistoles. The pirate ordered the men he sent on board the sloop to wait for him north of Saba, and was making his way to come round the point of St. Eustatia to cut out the *King George*, an English ship at anchor, and a Dutch ship. But they then saw a ship to leeward, which they bore away after and surprised about twelve at night. She proved to be a Bermuda sloop, laden with salt and bound thither, also a large quantity of

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dry goods and two passengers. The pirate beat the master with his cutlace and all were stripped to nakedness. *Confirms* Nos. i. and ii. The pirate then came round with both his prizes to the south side of Saba, and there found at anchor an English sloop, one Simmonds master, and fired three great shot at her, then hoisted out his canoe with about thirty of his men to cut her out. But the inhabitants came down so thick with their small arms that they would not venture in. He then went himself on board the two prizes and fell to plundering *etc.* About sunsett the pirate bore away for Sta. Cruz and at twelve at night met with a sloop belonging to Anquilla, one Adams commander, bound thither from Sta. Cruz laden with timber, him he took *etc.* and reached Sta. Cruz Feb. 28. When the Anquilla prize came up with him, the pirate hoisted out his canoe, put twenty-five of his men in her, armed with musketoons, musquets, and four or five Indians with their bows and arrows, then taking his cutlace, he ordered Adams to come to him and threatening told him, that if he would pilot him into Sta. Cruz 'twas well, if not, he would kill him, *etc.* Adam then shedd tears, and went on board his own vessel, and ledd the way into the harbour called the Limetrees, where they found at anchor and took a sloop belonging to Antigua, that had part of her lading of timber on board, a sloop commanded by one McDonnagh of Anquilla, being also at anchor there. He then cut his cable and ran his own sloop on shore, and escaped them. They cut very much (as deponent was told) with their cutlaces the master of this Antigua sloop. They then proceeded with their four prizes to another bay on Sta. Cruz. There they found lading with timber a sloop of this island belonging to Sir Charles Payne, John Warner master, which they allso took. The pirate then with four of his prizes (for he had sent away deponent's sloop to Porto Rico) came to at the west end of Sta. Cruz and put 22 of his English prisoners ashore, on that desert part of the island, thirty miles from any habitation, naked, and for all provisions about 10 pound of cassava bread and about 6 pound of stinking fish, but no water, and then left them. Deponent further says that the 19th instant, one of his own men, one belonging to the Bermudian and a third arived at Sta. Eustatia from Porto Rico, from whence they stole a boat and escaped, and told deponent that the pirate carried all his prizes into Porto Rico, where they were all condemned, and the Governor bought Sir Charles Payne's sloop, and was fitting her to cruize upon the English, they designing again with more force up among these islands, for the doctor on board the pirate told deponent that the pirate Captn. intended to come up and lye off



1735. [508 v.]

Sombrero to intercept homeward bound English ships, etc. *Signed*, Joseph Smith.

508. vi. Sir Charles Payne to Governor Mathew. March 22, 1735. Refers to capture of his sloop and cargo valued at £1000 as above. "As these vilians took another sloop of mine a few years ago," valued at £500, for which he could obtain no consideration, *asks for* a grant of letters of reprisal etc. *Signed*, Chas. Payne. Nos. i.-vi. *Copies*. 6 pp. [C.O. 152, 44. ff. 33, 34, 35-37 v.]

March 22.  
Jamaica,  
Spanish Town.

**509.** President Ayscough to the Council of Trade and Plantations. The last letter, I had the honour to write to your Lordships, was dated the 27th of February, by the *Recovery* (Capt. Lawes) a duplicate whereof, I herewith send, inclosed to your Lordships, as also, a Journal of one of the Captains of our parties. By the examination of some of the rebels, that were taken alive, it appears, that they are in want of provisions and ammunition, and that the number killed, taken alive, and who died in their march, are computed to be above forty. We daily receive fresh advices, that gives no hopes of our being able to reduce them in a reasonable time. Had not martial law been putt in force, it would have been in vain to have made any attempts against them. *Signed*, J. Ayscough. *Endorsed*, Recd. 12th June, Read 15th July, 1735. *Addressed*. 1 p. *Enclosed*,

509. i. Journal of William Lamport and Thomas Williams. Feb. 23—March 8, 1734. After putting the rebel negroes to flight in a skirmish on 25th Feb., pursue them till the 2nd March, but fail to come up with them etc. *Endorsed as preceding*. *Copy*. 3 pp. [C.O. 137, 21. ff. 209, 210 v.-211 v.]

March 22.  
Jamaica,  
Spanish Town.

**510.** President Ayscough to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis*. *Signed*, J. Ayscough. *Endorsed*, R. 13th June. *Addressed*. 1 p. *Enclosed*,

510. i. Duplicate of preceding enclosure i. [C.O. 137, 55. ff. 163, 164 v.-166.]

March 25.

**511.** Petty expenses of the Board of Trade, Christmas, 1734—Lady Day, 1735. v. Journal. 6 pp. [C.O. 388, 80. ff. 122, 123, 124, 125-126.]

March 25.  
Whitehall.

**512.** Mr. Popple to Francis Wilks. H.M. Attorney and Solicitor General having made their report to my Lords Commissioners for Trade, concerning the boundaries between the Massachusetts Bay and New Hampshire; and there being a petition from the Governor and Company of Rhode Island, referred to this Board, relating to the settlement of their boundaries with the Massachusetts Bay; I am commanded by their Lordships to acquaint you with their desire of speaking with you to-morrow morning at eleven o'clock upon these affairs. [C.O. 5, 917. p. 111.]

1735.

March 27.  
Whitehall.

**513.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose accounts of incidental charges of the office, Christmas, 1734—Lady Day, 1735, and request payment of quarter's salaries now due. *v.* Journal. [C.O. 389, 37. *pp.* 360, 361.]

March 28.  
Whitehall.

**514.** Mr. Popple to Mr. Wilks. Encloses copy of petition of Rhode Island, and map, relating to the boundary (*v.* 25th March *supra*) as desired. The Board expects the answer he proposed to make in six months' time. [C.O. 5, 917. *p.* 112.]

March 30.  
St. James's.

**515.** H.M. Warrant granting Henry Peers jr., Member of Council, Barbados, twelve months' additional leave of absence *etc.* *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 36. *p.* 498, and 324, 50. *p.* 29.]

April 3.  
St. James's.

**516.** Order of King in Council. Appointing Samuel Byam to the Council of Antigua in the room of Francis Carlisle *decd.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 1 *p.* [C.O. 152, 21. *ff.* 34, 37 *v.*]

April 3.  
St. James's.

**517.** Order of King in Council. Appointing Josiah Martin to the Council of Antigua in the room of John Morris *decd.* *Signed and endorsed as preceding.* 1 *p.* [C.O. 152, 21. *ff.* 35, 36 *v.*]

April 3.  
St. James's.

**518.** Order of King in Council. The Governor of the Leeward Islands upon the arrival of the stores of war sent to Antigua (*enumerated*), to cause the same to be forthwith distributed amongst all the said islands, in proportion to the numbers of the militia in each island *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 1½ *pp.* [C.O. 152, 21. *ff.* 28, 28 *v.*, 33 *v.*]

April 3.  
St. James's.

**519.** Order of King in Council. Approving draught of Additional Instruction to Governor Mathew, empowering him to give his assent to an act for continuing the powder duty in Antigua *etc.* *Signed and endorsed as preceding.* 1 *p.* [C.O. 152, 20. *ff.* 39, 40 *v.*]

April 3.  
St. James's.

**520.** Order of King in Council. Whereas the Right Honble. The Lords of the Committee of Council for Plantation Affairs have represented to H.M. at this Board, that they consider it proper, that an Enquiry should be made into the fees taken for several years past in all the offices and court in H.M. Island of Barbados; and therefore humbly proposed, that the Govr. or Commander in Chief of that Island should be directed to transmit to H.M. a particular account of such fees as they were taken and received in all the said offices and courts at the time of her late Majesty. Queen Anne's accession to the Crown, together with such variations as have been since made therein, distinguishing the



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same in separate columns. H.M. this day took the said Representation into his Royal Consideration, and was pleased, with the advice of his Privy Council, to approve of what is therein proposed, and to order, as it is hereby ordered, that his Grace, the Duke of Newcastle, one of H.M. principal Secretarys of State, do signify H.M. pleasure to the Govr. or Commander in Chief of Barbados for the time being, to transmit the said account of fees accordingly. *Copy. Signed, Temple Stanyan.* [C.O. 324, 36. pp. 502, 503.]

April 3.  
St. James's.

**521.** Order of King in Council. Ordering that the Governor of Barbados be directed to transmit an account of the fees taken in all the offices and courts there at the time of the accession of Queen Anne, and subsequent variations *etc.* (v. A.P.C. III. pp. 419, 420). *Signed, Temple Stanyan. Endorsed, Recd. 31st May, Read 12th June, 1735. 1 p.* [C.O. 28, 24. ff. 63, 64 v.]

April 3.  
St. James's.

**522.** Order of King in Council. Ordering that, since there hath not been any supply of ordnance stores sent to Barbados since 1702, and the Governor and Council have represented that most of their cannon are honeycombed and their small arms decayed, the like quantity of ordnance stores with those sent thither in 1702 should be now sent, except the train of artillery, which is not at present demanded, and likewise 4000 firelocks with bayonets, the said firelocks and bayonets to be paid for by the Island, in regard the inhabitants are obliged by their Militia acts to supply themselves with such arms *etc.* The charge for said stores to be laid before Parliament by the Office of Ordnance; the part to be paid for by the Island to be sent thither upon the Agent giving good security the H.M. Office of Ordnance for the value thereof *etc.* (v. A.P.C. III. pp. 409, 410.) *Signed, Temple Stanyan. Endorsed, Recd. 31st May, Read 12th June, 1731. 3¼ pp. Enclosed,*

522. i. Estimate of ordnance and stores proposed to be sent to Barbados and the Leeward Islands, pursuant to Order of Lords of Committee of Privy Council, 6th Aug., 1734. *Totals:* To be sent to Barbados, at the expense of the Crown: £3573 14s. 8d.; at the expense of the Island (4000 muskets and bayonets, and freight): £5800. 1½ pp.

522. ii. Account of stores sent in 1702. *Copy. 3½ pp.* [C.O. 28, 24. ff. 67-71 v., 72 v.]

April 3.  
St. James's.

**523.** Order of King in Council. Approving draft of Instruction to Governor of Virginia as ordered 7th March. *Signed, Temple Stanyan. Endorsed, Recd. 31st May, Read 12th June, 1735. 1½ pp.* [C.O. 5, 1323. ff. 119, 119 v., 124 v.]

April 3.  
St. James's.

**524.** Order of King in Council. Conforming 13 acts of Georgia, (i) *for maintaining the peace with the Indians*; (ii) *for rendering the Colony of Georgia more defensible by prohibiting the importation and use of black slaves or negroes*; (iii) *to prevent the*

1735. [524] *importation or use of rum and brandies in the province of Georgia. Signed, Temple Stanyan. Endorsed, Recd. 31st May, Read 12th June, 1735. 2 pp. [C.O. 5, 364. ff. 35, 35 v., 38 v.]*

April 3. **525.** Order of the House of Commons. That the Commissioners for Trade and Plantations do lay before this House a copy of the memorial delivered to them in the year 1734 by Mr. Torriano concerning the liberty of carrying enumerated commodities from the British Colonys in America directly to foreign parts. *Signed, N. Hardinge, Cl. Dom. Com. Endorsed, Recd. 3rd, Read 11th April, 1735. [C.O. 388, 34. ff. 20, 27 v.]*

April 7. **526.** James Wimble to the Duke of Newcastle. *Describes* his losses in the West Indies, whither he sailed in his own vessel from Hastings in 1718. He has been taken seven times by the Spaniards, who "still play the same game with us as they was wont to do." Despairing of obtaining redress, he has settled in Boston, and asks for his Grace's favour in obtaining for him a small place as Collector *etc.* in New England *etc.* *Signed, James Wimble. Addressed "To His Grace, Thos. Pellom, Duke of New Castell, In Linkinensfealls (Lincoln's Inn Fields). Sealed. 2 pp. [C.O. 152, 44. ff. 39, 39 v., 40 v.]*

April 9. **527.** Earl of Westmoreland to Mr. Popple. Being a little lame of the gout, and taken yesterday with a great hoarseness will prevent my stirring out this day, of which excuse you'll acquaint my Brethren of the Board when mett, and withal that, as I hear, we have lost Mr. Wheelock, I hope, they will immediately agree to nominate and appoint a successor; and as Mr. Gillibrand is the first clerk, and hath through a long service in the Office, rose to the place he now holds in it, and hath always been esteem'd for his diligence and capacity, most fit for the employ; I think there can be no just exceptions to him to succeed, as others have done before him; and therefore recommend it to them, my Brethren, and hope they will this day appoint and cause the same to be enter'd, to take the seal of Under Secretary vacant by the death of Mr. Wheelock, as of most right it belongeth unto Mr. Gellibrand, to the which they have my hearty concurrence. *Signed, Westmoreland. Endorsed, Recd., Read April 9, 1735. Holograph. 1 p. [C.O. 388, 80. ff. 130, 131 v.; and 389, 37. p. 362.]*

April 9. **528.** H.M. Warrant appointing Josiah Martin to the Council  
St. James's. of Antegoa, in the room of John Morris, decd. *Countersigned, Holles Newcastle. Copy. 1 p. [C.O. 324, 36. p. 499.]*

April 12. **529.** H.M. Warrant appointing Samuel Byam to the Council  
St. James's. of Antegoa, in the room of Francis Carlisle decd. *Countersigned, Holles Newcastle. Copy. [C.O. 324, 36. p. 500.]*

April 14. **530.** Governor Mathew to Mr. Popple. I will serve Mr.  
St. Christophers. Bromiker in every circumstance I can. I now have received



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your letter of the 13 February and am now sending orders not only to Wavell Smith Esqr., Secretary of these Islands, but those repeated also to his respective deputys at each Island, to get the collection of laws compleated as soon as may be, and as soon as I can obtain them, I shall not fail transmitting them to you, to be laid before their Lordships. As for any neglect of transmitting laws home, that must have been out of my time of the Chief Command heretofore or now. What laws have been past and not sent home you can know from the Journals of Council or Assembly, I shall also call immediately on the respective officers for the Minutes of Council and Assembly you write for. Herewith I send you to be presented to their Lordships. Minutes of the Council of Montserat from 25 Dec., 1734 to 25 March, 1735. Minutes of the Assembly of Monserat from Jan. 7, 173 $\frac{1}{2}$  to 8 March foll. The present *Treasurer of St. Christopher's accots* from 7 May, 1734 (when he entered into that office) to the 10 Jany. last. The former *Treasurer's accots* from the time I came to this Government to last May, I cannot yet get, he having not yet accounted for two levys. The late *Treasurer of Antigua's accots* from 1st March, 1733/4 to the 13th Novr., 1734, when he dyed, expected to have had them from the 1st Novr. afore, when I came to the Government, and I wrote for them, but these only are come to hand. The Treasurer of Montserat sent me an accot. not sworn to, and writes me it has never been usual to keep books, but only receipts on files, and so the Council and Assembly have allways examined those vouchers, and passed his accots. That has allways been the method there ; I have therefore (since my order given when I first arrived, and renewed since, have not been prevailing to obtain a new method, agreeable to H.M. Instructions) sent to Mr. President a transcript of that Instruction, with the most positive orders I can give upon them. The treasurer of Nevis I have as yet heard nothing from. I send also an act of the Island of Nevis entituled *An Act to explain and amend an Act entituled an Act for all vessells to pay tonnage powder and arms*. This Act I desire you will lay before their Lordships. It is of utmost concern to that poor Island. Whilst the gunner (who is mostly a man of low circumstances) received the powder duty, the Island was very much abused, powder sold, the receipt of money embezeled etc. Therefore I advised them to provide by a law that the Treasurer (who is allways a person of good substance and figure, and who allways gives security for a due performance of his trust) should receive this duty of powder, tonnage, etc. The other articles being in favour of shipping and trade, I thought it for H.M. service, as it is for the good of the planter and merchant and to provide better for the Island's safety by providing that the stores of war shou'd be safely kept, for these reasons I passed it. I pray, as I am accounting to you for an Act of this nature, that you will please to inform their Lordships, that among the new restraints I brought over in my Instructions, if I am to have continued to me a restraint from renewing any laws that brings no new duty (as of powder, arms etc.) but only continues such as have been usual, ever since

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these Islands became English Colonies, and this out of regard to merchants or factors, who owe their substance to these Islands, and will not help with a single finger to lift the burthens of supporting them, even to trifles, and yet no stores of powder can be obtained from H.M., I will venture to foretell, the inhabitants here will, in case of a warr especially, be reduced to accidents that may be absolutely fatal. And really this method of our factors at home, taking upon them, without our leave or consent, to make applications, where we only are concerned, for what they pretend is for our good, is a most extraordinary way of taking the guardianship of us upon them, or wou'd be thought so, if the share they really have in trade hither, upon their own substance, was looked into. I send the returns of *births and burials for Antigua* from the 1st Novr., 1733, to the 31st Octr., 1734, both inclusive. I send what I can get of them for St. Christophers and a letter from one of the Ministers which will let you into the impossibility of obeying this H.M. Instruction wholly. I have received none of these lists yet from Montserat or Nevis. The Antigua Powder Act is expired, and so their little magazine of powder is emptying; I was forced to reject such a law for Montserat. How these Islands are to be defended without powder is easy to imagine. I am desired to ask for a copy of this kind representation, with the subscribers' names at the bottom, if you may send it me. It seems to me as mean and ungratefull an ill office done us, as our worst enemys cou'd have devised. *Signed*, William Mathew. *Endorsed*, Reed. 16th June, Read 30th July, 1735. *Duplicate. Holograph. 2½ pp. Enclosed*,

530. i. Account of Powder duty, St. Christophers, May 7, 1734—Jan. 10, 173½. *Totals*: 3011 lb. powder, £401 10s. *Signed and sworn to in Council, by William Pym Burt, Treasurer. Endorsed as preceding. 4¾ pp.*

530. ii. Account of licences in St. Christopher's, June 12, 1734—Jan. 10, 173½. Total receipts, £147 10s. 24 taverns and punch-houses. *Signed and endorsed as preceding. 1 p.*

530. iii. Account of the Liquor Office, St. Christophers, July 18, 1734—Jan. 10, 173½. Total receipts, £54 16s. 8d. *Signed and endorsed as preceding. 1 p.*

530. iv. Account of revenue of Antigua, 1st March—13th Nov., 1734. Shows total receipts and expenditure, £20,390 3s. 10½d., including £7057 7s. 6½d. due from the public, and £6457 14s. 4½d. due to the Treasury. *Signed*, for George Byam, Treasurer, decd., John Bayton. *Audited* by Committee of Accounts, 21st Feb., 173½. *Endorsed as preceding. 5½ pp.*

530. v. List of Christenings (7) and Burials (26) in the Parish of St. Paul's, Antigua, 1st Nov., 1733—31st. Oct., 1734. *Signed*, Thos. Wilson. 2¼ pp.

530. vi. List of Christenings (8) and Burials (11) in St. Mary's parish, Antigua, 1st Nov., 1733—31st Oct., 1734. ½ p.

530. vii. Duplicate of No. vi.



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530. viii. Duplicate of *No. v.*
530. ix. Abstract of Christenings (8) and Burials (6) in the parish of Trinity, Palmeto Point, St. Christophers, 1st Nov., 1733—31st Oct., 1734. *Signed*, John Merac. 1 *p.*
530. x. Duplicate of *No. ix.*
530. xi. List of Christenings (10) and Burials (6) in Christ's Church, Nicholas Town, St. Christophers, 4th Nov., 1733—17th Aug., 1734. *Signed*, Archibald Cockburn. 1 *p.*
530. xii. List of Christenings (3) and Burials (10) in the parish of St. Mary Cayon, St. Christophers, Oct. 4, 1733—Oct. 29, 1734. *Signed*, Archibald Cockburn. *Copy.*  $\frac{3}{4}$  *p.*
530. xiii. Copy of *No. xi.*
530. xiv. Original of *No. xii.*
530. xv. List of Christenings (54), Marriages (20), and Burials (84) in the parish of St. George, Basseterre, St. Christophers, 3rd Nov., 1733—1734. 10 $\frac{1}{4}$  *pp.*
530. xvi. List of Christenings (3) and Marriages (3), Burials, none, in the parish of St. Peter's, 3rd Nov., 1733—1734.  $\frac{1}{2}$  *p.*
530. xvii. List of Christenings (31) and Burials (38) in the parish of St. Ann, Sandy Point, St. Christophers, 1st Nov., 1733—31st Oct., 1734. 3 *pp.*
530. xviii. List of Christenings (28) and Burials (26) in the parish of St. Thomas, Middle Island, St. Christophers, 1st Nov., 1733—31st Oct., 1734. *Signed*, John Merac, Rector.
530. xix, xx. Duplicates of *Nos. xvii, xviii.*
530. xxi. Rev. John Dumény to General Mathew. [*St. Kitts.*] 20th March, 173 $\frac{1}{2}$ . Explains difficulty of obeying H.E. orders, his predecessor in the parish having never kept a register book, and he can find no account of baptisms and burials during his time *etc.* *Signed*, John Dumény. *Endorsed*, Recd. 16th June, Read 30th July, 1735. 1 *p.* [*C.O.* 152, 21. *ff.* 110—111 *v.*, 113—115, 116 *v.*—121 *v.*, 122 *v.*, 123, 124—125, 126, 127, 128, 128 *v.*, 129, 130, 131, 132, 133, 134, 135, 136—138, 139—141 *v.*, 142 *v.*—144, 145, 146—147, 148, 149 *v.*, 150, 151 *v.*]

April 16.  
Jamaica,  
Spanish Town.

**531.** President Ayscough to the Council of Trade and Plantations. My Lords, I doe myself the honour to acquaint your Lordships that upon the expiration of the Act for establishing Martial Law on the 10th of this inst. and of the annual laws, and of the Act for providing the additional subsistance for H.M. Independent Companies and of that of laying an Excise on rum being also expired on the 28th of March last, I called together the Assembly, who mett on the 7th inst. as well to renew those laws as to consider of the state and condition of the Island. Inclosed is my Speech with their Address in answer. On their

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meeting, there was a Conference had, between the gentlemen of the Council, and of the Assembly, to provide for our security, and defence, against the rebels; the result of which was that in regard Martial Law has had that good effect, as to dislodge them, from their strongest hold, and has dispersed them into severall bodies; and they having for many years past, found by experience, that the fitting out of parties, have proved ineffectual, thro the private men, not being under any manner of command, it was resolved, that Martial Law should be continued for — months longer, for which purpose, there is a bill prepared, but whether, it will pass the Council and Assembly I'm not able as yett to inform your Lordships; however the inhabitants of the best estates and distinction, are of opinion, that there is a necessity to have such a law, for three months longer, as your Lordships will perceive, from a copy of an inclosed letter, from a gentleman of a good character, and fortune, and more especially, since the rebels, which I formerly acquainted your Lordships off, went from windward, and have now joined those at leeward. If this law should pass, it will no doubt, make a great clamour, from transient persons, who have no other views, than their own private interest. The gentlemen of the Council, and Assembly, have joined with me, in our hearty acknowledgements, of the many instances of H.M. favour, and particularly for his goodness, in sending over six Independent Companies, for our security and defence, which I have here inclosed. There are already fitted out, and march't, three strong parties, to attack the rebels at leeward, and I shall in a short time send your Lordships, a more particular account of their success and of the proceedings of the Legislature. *Signed, J. Ayscough. Endorsed, Recd., Read 2nd July, 1735. 1½ large pp. Enclosed,*

531. i. President Ayscough's speech to the Council and Assembly. *Abstract.* The expiration of the act for laying a duty on rum and of other annual laws, together with the present exegency of affairs has made it necessary to summon them. The country is by this time convinced that Martial Law, though disagreeable to a free people, has been the best method to stop the excursions and gatherings of the rebels. It has in a great measure answered their end. Recommends them to improve their success by proceeding with vigour and resolution and passing a law for keeping up parties, cutting roads and enforcing the barracking act *etc.* *Endorsed as preceding. Copy. 1 p.*

531. ii. (a) Address of Assembly to President Ayscough. 11th April, 1735. Express agreement with above Speech *etc.* *Signed, Wm. Nedham, Speaker.* (b) President Ayscough's reply. *Same endorsement. Copy. 1½ pp.*

531. iii. President Ayscough's Speech to the Council and Assembly. Announces arrival of H.M. Six Independent Companies, and invites them to raise the necessary supplies *etc.* *Same endorsement. Copy. ½ p.*



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531. iv. Address of the President, Council and Assembly of Jamaica to the King. 11th April, 1735. Most gracious Sovereign, We your Majestie's most dutifull. and loyal subjects, *etc.* being filled with the most gratefull sentiments of yor. gracious and constant care of this remote part of your Dominions, particularly in sending over so readily upon our application, Six Independant Companies for its security and defence; Most humbly entreat your Majesty to accept of our hearty acknowledgments of the many and signal instances of yor. favour and protection, and as we are incapable of making any other return, than by a steady and inviolable attachment to yor. Royal person, family and Government, We shall in all our actions give the strongest demonstrations of it, and endeavour to merit a continuance of your goodness to this distressed Colony, which never had more occasion of yor. Majestie's notice and assistance, than at this critical juncture, when we not only contend with intestine but are under apprehensions of forreign enemies, and we should have been as little able of resisting the one, as of repelling the other, without yor. Majestie's timely interposition and support. May your Majesty's unwearied endeavours for the repose of Europe, as well as the happiness of Your Own People, be attended with its desired success, and render yor. Majesty the Delight of all Mankind, as you have ever been of all your own subjects. *Signed, J. Ayscough; Jos. Maxwell, Cl. Concil.; Wm. Nedham, Speaker. Endorsed as covering letter.* Original sent to the Duke of Newcastle. 2 pp.

531. v. Col. Ely to President Ayscough. St. Ann's. April 9, 1734. *Abstract.* On receipt of H.E.'s express of 5th inst. he drafted of the parish 80 shot with supplies for 20 days *etc.* But the white man who brought the express declaring that Martial Law had ceased, the men refused to march. The inhabitants of St. James' are leaving that place *etc.* *Signed, Gersham Ely. Same endorsement. Copy. 1 p.* [C.O. 137, 21. ff. 146, 147, 149, 150, 150 v., 151 v.—154, 155 v., 156 v.]

April 16.  
Jamaica,  
Spanish Town.

532. President Ayscough to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis*, *Signed, J. Ayscough. Endorsed, R. 30th June. 1½ pp. Enclosed,*

532. i.—vi. Duplicates of i.—v. preceding.

532. vii. Muster-rolls of the effective men in Capt. Mark Delaunay's and Capt. James Draper's Companies at Fort Charles and the Breast Work, Companies at Jamaica, Nov., 1734—6th May, 1735. 4 pp. [C.O. 137, 55. ff. 167, 168, 169, 170, 171, 172, 173, 175, 177 v., 178, 179, 181 v.]

April 16.  
Admiralty  
Office.

533. Mr. Burchett to Mr. Popple. H.M.S. *Falkland*, under the command of the Honble. Captain Lee, being designed this year

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for Newfoundland, *etc.* requests that such heads of Enquiry as the Lords Commissrs. for Trade and Plantations shall think proper for him, may be prepared and sent hither, as soon as conveniently may be. *Signed*, J. Burchett. *Endorsed*, Recd. 17th, Read 23rd April, 1735.  $\frac{3}{4}$  p. [C.O. 194, 9. ff. 251, 256 v.]

April 16.  
Barbados.

**534.** James Dottin, President of the Council of Barbados, to the Council of Trade and Plantations. I thought it my duty to acquaint your Lordships that his late Excellency the Lord Viscount Howe, our most worthy Governor, having dyed in this island the twenty-seventh of March last, I did pursuant to H.M. Commission and Instructions which were immediately deliver'd me by H.E.'s executors take on me the Government, and which *etc.* I shall endeavour to execute in the best manner I am capable tho' indeed it must be imperfect when compared to our noble deced. Lord who surely excell'd in all his actions, and will much eclipse his successors. This island was particularly bless'd and happy under his administration which we all had the greatest reason to wish a very long continuance of ; but since we were so soon deprived of it and I have succeeded in his stead I shall study to obey your Lordships' commands *etc.* *Signed*, James Dottin. *Endorsed*, Recd., Read 17th June, 1735.  $\frac{3}{4}$  p. [C.O. 28, 24. ff. 73, 78 v.]

April 16.  
Barbados,

**535.** Mr. Dottin to the Duke of Newcastle. Reports death of Lord Howe *etc.* to same effect as preceding. *Signed*, James Dottin. *Endorsed*, R. 15th June. 1 p. [C.O. 28, 45. ff. 331, 332 v.]

April 18.  
Whitehall.

**536.** Duke of Newcastle to the Council of Trade and Plantations. The King having been pleased to appoint Fitzroy Henry Lee Esqr. Commander of H.M.S. *Falkland*, to be Governor of Newfoundland, I am to desire you will accordingly prepare draughts of a Commission and Instructions for him, in order to their being laid before the King for His approbation. *Signed*, Holles Newcastle. *Endorsed*, Recd. 18th, Read 23rd April, 1735.  $\frac{3}{4}$  p. [C.O. 194, 9. ff. 252, 255 v.]

April 22.  
Whitehall.

**537.** Council of Trade and Plantations to the Committee of the Privy Council. *In reply to* Order of 6th March relating to the sale of Sta. Cruz by the French, *state* title of Great Britain to that island, *quoting* their letters to Lord Harrington (v. C.S.P. 27th June ; and 12th Sept., 1734) and to Govr. Mathew (v. C.S.P. 26th Sept., 1734). *Continues* :—This, my Lords, was all that occurred to us upon the most diligent search in the records of our Office, and in the most authentick authors that have given accounts of these matters, but we have lately received from the Lord Harrington a copy of the contract for the late sale of this island by the French King to the Danish West India Company, and likewise a specification of the several records and proofs



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delivered to that Company of the part of France, relating to the property of Sta. Cruz, from which last paper it appears that the American Company in France laid claim to this island in 1642; that they sold it to the Order of Malta in 1651, which was ratified by the French King in 1653; that the West India Company which was erected in France in 1664, did afterwards repurchase Sta. Cruz from the Order of Malta, and took possession of it in the year 1665; and lastly that upon the suppression of that Company by the French King's edict in Dec., 1674, this island was by the same authority re-united to the Dominions of the Crown of France, which papers pretty well agree with the facts mentioned in our state of this case to Mr. Mathews and also further explain how this right came back again to the Crown of France. We have also received an answer from Mr. Mathews (C.S.P. 26th Nov., 1734), that according to the best informations he can procure from the oldest inhabitants in his Government, our pretensions to Sta. Cruz are over-ruled both by the Treaty of Bredah and that of Neutrality in 1686 *etc.* Upon the whole we must submit it to your Lordships whether it may be proper to advise H.M. to insist any longer upon a title so weakly supported. [C.O. 153, 15. pp. 300-314.]

April 23.  
Whitehall.

**538.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed,*

538. i. *Same* to the King. Submit following.

538. ii. Draught of H.M. Commission for Fitzroy Henry Lee, Commander of H.M.S. *Falkland*, to be Governor of Newfoundland. In the usual form *etc.* [C.O. 195, 7. pp. 343-352.]

April 24.  
Admiralty  
Office.

**539.** Mr. Burchett to Mr. Popple. Capt. Towrey, of H.M.S. the *Shoreham*, being under orders to proceed this year to Canso *etc.*, asks for Heads of Enquiry as usual. *Signed*, J. Burchett. *Endorsed*, Recd. 24th, Read 29th April, 1735. *Addressed*.  $\frac{3}{4}$  p. [C.O. 217, 7. ff. 108, 109 v.]

April 30.  
Whitehall.

**540.** Duke of Newcastle to Governor Lord Howe. My Lord, the Lords of the Committee of Council, who have lately had under their consideration, the affair relating to the fees taken in the several Courts and Offices in the Island of Barbadoes, having represented to the King, that they conceive it proper, that an enquiry should be made into the fees taken, for several years past, in all the Offices and Courts of that Island, as you will be more fully informed by H.M. Order in Council, which I enclose, I am to signify to your Ldps. H.M. pleasure, that you transmit, as soon as conveniently may be, an account of the fees directed by the said Order in Council, in the manner and form therein prescribed. *Signed*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 501.]

- 1735.
- April 30. **541.** H.M. Warrant, appointing Anthony Wheelock Clerk of  
St. James's. the Markets, Jamaica, *etc.* *Countersigned*, Holles Newcastle.  
*Copy.* [C.O. 324, 36. pp. 504, 505 ; and 324, 50. pp. 19, 20.]
- April 30. **542.** Council of Trade and Plantations to the Duke of  
Whitehall. Newcastle. Enclose following to be laid before the King.  
*Annexed*,  
542. i. *Same* to the King. Submit following.  
542. ii. Draught of H.M. Instructions to Governor Lee. "To  
the same purpose as those given in 1733 to the Lord  
Muskerry." [C.O. 195, 7. pp. 353, 354, 357-401.]
- April 30. **543.** Mr. Popple to Mr. Burchet. *Reply to 16th April.*  
Whitehall. H.M. has thought fit to appoint Capt. Lee his Governor of New-  
foundland, and the Heads of Enquiry usually given to the  
Commadores, are now changed into Instructions for him : But  
as my Lords Commissioners *etc.* do observe from the returns  
made by former Commadores that notwithstanding a clause in  
the Act of Parliament 10th and 11th K. William, *etc.* directing  
that no ballast *etc.* shall be thrown out of any ship to the prejudice  
of the harbours *etc.*, the harbours of Bonavista, Trinity Bay,  
Carbonier, and some others are very much damaged by the  
stone ballast thrown into them *etc.* ; and as my Lords do observe  
that, there are no penalties inflicted by the said Act, on such as  
shall offend against the same ; I am commanded to desire you  
will please to move the Lords of the Admiralty that directions  
may be given to the Commadore to take care so far as his authority  
extends to prevent the further progress of this evil. [C.O. 195,  
7. pp. 355, 356.]
- May 1. **544.** Proclamation by Lt. Governor Gooch dissolving  
Assembly of Virginia. *Copy.* 1 p. [C.O. 5, 1344. f. 29.]
- May 1. **545.** Order of Committee of Privy Council. Referring  
Whitehall. following to the Council of Trade and Plantations for their report.  
*Signed*, W. Cary. *Endorsed*, Reed. (from Mr. Partridge) 13th  
May, Read 4th June, 1735. 1 p. *Enclosed*,  
545. i. Petition of Richard Partridge, Agent for Rhode Island  
and Providence Plantations, to the King. The in-  
habitants of the said Colony have at their own costs  
and charges lately built for their defence against any  
invasion of an enemy a regular fortification at the  
entrance of the harbour of Newport their principal  
town (about 60 miles from Boston) which cost them  
upwards of £10,000 in their currentsy *etc.* But the  
cannon they have at present are but few and several  
of them unfit for use. The Colony hath not in any  
manner hitherto been chargeable to the Crown nor  
received the least assistance for their support from it.  
But have altogether cultivated, improved, and defended  
their country at their own expence, labour and industry.  
Wherefore, *etc.*, they humbly request the King would



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be graciously pleased to bestow upon them a suitable number of cannon and shott answerable for their said fortification, which they will esteem as a great means for their preservation and security, and be a bounty which will lay them under obligations in the most dutifull manner. *Signed*, Richd. Partridge. *Copy*. 1½ pp. [C.O. 5, 1268. ff. 150, 151, 151 v., 153 v.]

May 1.  
Whitehall.

**546.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their opinion thereupon. *Signed*, W. Cary. *Endorsed*, Recd. 5th May, Read 6th June, 1735. 1 p. *Enclosed*,

546. i. Memorial of Thomas Coram, gentleman, to the King. Memorialist having through long experience in naval affairs, and by residing many years in your Majesty's northern Plantations in America observed with attention severall matters and things which he conceivs might be greatly improved for the honour and service of the Crown and the increase of the trade, navigation and wealth of this Kingdome. He therefore most humbly begs leave to represent to your Majesty, that the coasts of your Majesty's province of Nova Scotia afford the best codd fishing of any in the known parts of the world and the land is well adopted for raising hemp and other naval stores for the better supplying this Kingdome with the same. But the discouragments have hitherto been such as have deterr'd people from settling there, whereby the said province through want of good inhabitants is not so beneficial to this Kingdome nor so well secured to the Crown as it might be because it cannot be presumed that the French inhabitants who remain there by virtue of the Treaty, *etc.* being all papists would be faithfull to your Majesty's interest in case of a warr betwixt Great Britain and France. The Memorialist therefore most humbly conceivs that it would be highly conducive to the intrest of this Kingdome to setle without loss of time a competent number of industrious protestant familys in this said province, which is the northern frontier of your Majesty's Dominions in America, under a civil Government to be established by your Majesty conformable in all its branches as near as may be to the constitution of England, which seems to be the most probable if not the only means of peopling this province which experience shews could not be effected under the military Government that hath been exiercised there for upward of twenty-four years past, and of giving effectual incouragment to the codd fishery that valuable branch of the British commerce which hath declined very much of late years in proportion as the French have advanced therein. The Memorialist further begs leave to observe, that the French are masters of the

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best salt in the world for curing fish. Whereas the English are obliged to have what they use from foreign dominions which makes it highly necessary to secure a perpetual supply of salt in your Majesty's Dominions in America, that we may not depend on a precarious supply of that commodity from the dominions of other Princes. And the Memorialist humbly conceives that the Island of Exuma which is one of the Bahamas would afford a sufficient quantity of salt for all your Majesty's subjects in North America provided Cat Island another of the Bahamas lying to windward of Exuma was well settled and put into such a posture as to be able to cover Exuma and protect the salt rakers from the depredations of the Spaniards of Baracoa (the settling Cat Island would be otherwise vastly advantageous to the Crown) and provided the unreasonable demand of the tenth part of all the salt raked there be abolished for want of which incouragments the salt ponds of Exuma have hitherto been useless to the publick. To these purposes the Memorialist humbly layes the annexed petition at your Majesty's feet and begs leave to add that there are several honourable and worthey persons ready to accept and act in the trust therein described if your Majesty shall be pleased to grant your Royale Letters Patent for that purpose. Wherefore etc. *Signed, Tho. Coram. Copy. 2 $\frac{1}{2}$  pp.*

546. ii. Petition of several of H.M. subjects in and about London and Westminster, in behalf of themselves and many others, to the King. Petitioners are labouring handycraftsmen whose respective trades and callings are overstocked by great numbers of artizans and workmen who resort from all parts of the Kingdome to this metropolis whereby your petitioners are unable to procure work sufficient to maintain themselves and familys and therefore in order to avoid extream want and escape the dangerous temptations and dreadfull consequences which allways attend extream poverty, they are desirous of being settled securly in some of your Majesty's Plantations in America. Petitioners have been well informed there are very large tracts of land lying waste and uncultivated for want of inhabitants in your Majesty's province of Nova Scotia and other parts of your Majesty's Domminions in America, where if your petitioners were once well settled they might acquire a comfortable subsistence for themselves and familys and be of great utility to your Majesty and their Mother Country by raising defensible settlements in the province where they shall be established which would add to the strength of the neighbouring parts of your Majesty's Dominions in America and in time bring a considerable increase to the trade, navigation and revenue of this Kingdome. Your



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petitions therefore most humbly pray your Majesty would be graciously pleas'd to give them and their familys a free passage to Nova Scotia or such other part of America as your Majesty shall think proper and grant to each of your petitions, their heirs and executors whether males or females, in free and common soccage for ever, one hundred acres of the land with the royalties thereunto belonging, and also that your Majesty in tender consideration of the poverty of your petitioners as the Common Father of your people, would be graciously pleased to subsist them in the said province for one year after their arrival there 'till they may be able to raise food for themselves, and also furnish them with tools and utensils to build their hutts and proper defences, and clear and cultivate the land together with seed corn and such other particulars as shall be absolutly necessary for a plantation in its infancy, and for the more speedy and better effecting so good a work that your Majesty will be pleased to appoint and aauthorize some honourable persons to be trustees for receiving the charitable contributions of such of your Majesty's subjects as shall be disposed to promote so good and usefull a design and to direct and manage the affairs of the infant colony to the best advantage under the security of a civil government to be established by your Majesty in the said province of Nova Scotia or elsewhere conformable in all its branches as near as may be to the constitution of England, for the more effectually protecting them in their persons and propertys *etc.* 102 signatures. Copy. 3 pp. [C.O. 217, 7. ff. 111, 112-113, 114-115, 116 v.]

May 1. **547.** Mr. Eveleigh, merchant in Carolina, to George Morley, Provost Marshal. Last November was twelve month came over a parcel of Irish Protestants from the North of Ireland, which the Govr. got settled at a township call'd Williamsburgh at Winyaw on Black River, where the land is extraordinary good, and they immediately made up some small hutts to cover them from the weather, and then to clearing of land which they planted and made very good crops, so farr, that they had corn enough for themselves and 500 bushells to spare. There are several familys since arrived gone there to settle, and I believe in a short time will be a considerable settlement. The allowances they have out of the publick will be a considerable charge *etc.* *Refers* to the settlement of a parcel of Switzers on Santee River *etc.* This morning I received a letter from thence that they were industrious and settling apace; besides which abundance of people arrive here almost every day so that in a short time this Province will be very well settled *etc.*, the charges whereof were very considerable, to defray which there is a very heavy tax lay'd, greater, I believe, than on any province, except Jamaica *etc.* It is computed that this very town (? *Charleston*) which is

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but small will this year pay 10,000 for taxes. About ten days since arrived a ship from Angola with 318 slaves and diverse other vessels are expected from Guinea so that it is probable we shall this year import a great number of negroes, and we ought to have a good number of whites to balance them; the duty whereof is appropriated for the encouraging of the importation of white people into Georgia, Purrysburgh, and such other townships in this Province. Our Assembly has past a bill for appropriating all the money that arises by the duty on negroes to the encouragement of importation of strangers, and for raising a tax for suiting of the orders, which bill would have been soon confirm'd into a law, was it not the Govr. was so extremely ill, so bad, that his life was despair'd of *etc.* *Endorsed*, Recd. (from Mr. Furze), Read July 4, 1735. *Copy.* 2 pp. [C.O. 5, 364. ff. 52, 52 v., 57 v.]

May 1.  
Whitehall.

**548.** Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, W. Cary. *Endorsed*, Recd. 21st May, Read 4th June, 1735. 1 p. *Enclosed*,

548. i. Petition of Robert Wright, Chief Justice of S. Carolina, to the King in Council. Petitioner was appointed by H.M. sign manual dated 30th Nov., 1730, and has held the several Courts and discharged his duty with the utmost diligence and impartiality ever since. Several bills have been lately prepared by the Lower House of Assembly and passed into laws which petitioner apprehended were in derogation of your Majesty's prerogative and repugnant to the laws of Great Britain, and therefore as one of your Majesty's Counsel there (as in duty bound), petitioner used his utmost endeavours to have the said bills either rejected or amended, and not prevailing therein he entred his protest against the same in the Journals of the said House, apprehending that they were also very injurious to your Majesty's subjects *etc.*, for which petitioner incurred the displeasure of the Lower House *etc.* Though it was properly signified to the said House that it was your Majesty's pleasure that a convenient sallary should be appointed for petitioner as usually done to other Chief Justices in your Majesty's American Colonys (which was allowed to your petitioners' predecessors by the late Lords Proprietors for the execution of that office, when the expence was far short of what it is now), yet the said Assembly have been so far from having regard to your Majesty's Instructions, that petitioner hath been upwards of three years without any allowance *etc.*, and having applied his whole time to your Majesty's service, his private fortunes are considerably lessened thereby *etc.* *Prays* that directions may be given for the payment of his salary in the future, and of arrears *etc.* *Signed*, Robt. Wright. *Endorsed*, Recd. 21st May,



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Read 4th June, 1735. *Copy.* 1½ pp. [C.O. 5, 364. ff. 22, 23, 23 v., 25 v.]

May 2.  
Whitehall.

**549.** Mr. Popple to Mr. Burchett. In reply to 24th March, encloses Heads of Enquiry for Commodore Towry. *Annexed,*  
549. i. Heads of Enquiry relating to the Fishery at Canso. *Same as C.S.P., March 30, 1731, q.v.*  
549. ii. Scheme of Whale Fishery at Canso.  
549. iii. Scheme of Codd Fishery at Canso. [C.O. 218, 2. p. 307-317.]

May 2.  
Admiralty  
Office.

**550.** Mr. Burchett to Mr. Popple. *Reply to 30th April.* Orders are given to the Comdr. in Chief of the ships going to Newfoundland, to take especial care, that not anything be thrown into any of the harbours by any merchant ships *etc.* *Signed,* J. Burchett. *Endorsed,* Recd., Read 6th May, 1735. *Addressed.* ¾ p. [C.O. 194, 9. ff. 271, 276 v.]

May 5.  
St. Christophers.

**551.** Governor Mathew to Mr. Popple. Herewith are enclosed duplicates of the three Montserat Acts I sent you the 28 Feby. last. I transmit herewith to be laid before their Lordships an Act of the Island of Montserat entituled An Act, *for the encouraging the loan of money by factors or merchants in Great Britain etc.* I have got the *Treasurer of Nevis' Account* from May last to the 17th April last and it is enclosed as are the Minutes of the Assembly of that Island from the 25 June, 1734 to 25 March, 1735. Between friends, their Lordships are quite mistaken when they give the discovery of our Sta. Cruz to Grijalva. He indeed discover'd an Island and called it Sta. Cruz then, for the reason their Lordships mention but it lost that name and retains still its own old name Cozumel on the coast of Jucatan above four hundred leagues to the westward of the Carribbee Sta. Cruz. Besides Grijalva was bound from Cuba westward to discover the Continent. How then shou'd he fall in with an Island above two hundred and fifty leagues to eastward of the port he sailed westward from. I can say no more as to that Island than that by all I can learn the French must have left it in 1695 and in the present Estate of France there is a titular Governor named till very lately of it probably to perswade they held a continued possession of it. *Signed,* William Mathew. *Endorsed,* Recd. 7th, Read 30th July, 1735. *Holograph.* 1½ pp. *Enclosed,*

551. i. Account of Revenue, Nevis, May, 1734—April, 1735. *Totals :—Receipts,* £1720 19s. 4d. *Expenditure,* £1362 17s. 9½d. *Signed and sworn to by* Edwd. Bridgwater, Treas. *Endorsed as preceding.* 2 pp. [C.O. 152, 21. ff. 152-154, 155 v.]

May 6.  
Charles Town.

**552.** Lt. Governor Broughton to the Duke of Newcastle. Governor Johnson dyed last Saturday, upon which I caused my commission as Lieutent. Governor to be proclaimed in the usual

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manner, and shall use my best and utmost endeavours to discharge the duty of that trust, for the service of H.M., and the prosperity of this Province, which we are persuaded by all the instances of his goodness to us, he has very much at heart. *Signed*, Tho. Broughton. *Endorsed*, R. 21st June. 1 p. [C.O. 5, 388. ff. 126, 127 v.]

May 6. **553.** *Same* to the Council of Trade and Plantations.  
Charles Town. Duplicate of preceding, *mutatis mutandis*. *Signed*, Tho. Broughton. *Endorsed*, Reed., Read 24th June, 1735. 1 p. [C.O. 5, 364. ff. 36, 37 v.]

May 7.  
Whitehall.

**554.** Council of Trade and Plantations to the Committee of the Privy Council. Pursuant to your Lordships' Order of the 6th day of March last, we have considered the humble Address of the Council and Representatives of the Province of the Massachusetts Bay, humbly praying that H.M. would be graciously pleased to order them a number of cannon and other stores of war, as specified in a schedule annexed to their Address, for the use of a new battery at the South East end of Castle Island, and for the supply of Castle William and the other forts within that Province; which favour they say they are emboldened to implore from the like bounty and goodness from H.M. Royal predecessor Queen Anne to that H.M. Castle William. This naturally led us to examine the books of our office to see in what manner and upon what terms the Province of the Massachusetts Bay hath been formerly supplied by the Crown with cannon and other military stores; and we find in general, that great distinction hath been made betwixt heavy ordnance and small arms, gunpowder and other small stores; the first having generally been given gratis, and the latter supplied by the Crown upon condition that the value of them should be repaid by the Province. But with respect to the particular supply mentioned in this Address to have been granted by her late Majesty Queen Anne for the service of Castle William, which was in the year 1704, we find that the Commissioners who then constituted this Board represented to the Queen upon that occasion that in case Her Majesty should think fit to gratify the people of New England in their request it might be proper to renew Her Royal Commands so often reiterated to them, for settling a fixed salary upon their Governor and Lt. Governor for the time being, for repairing and rebuilding the forts of Piscataway and Pemaquid, the last of which they had lost to the French by their negligence in the preceeding war; but neither of these conditions have hitherto been complied with by the people of the Massachusetts Bay tho' frequently recommended by their Governors, nor do we find that they have paid for the last small stores sent them tho' they were obliged so to do. We must further take leave to observe to your Lordships that the circumstances of the people of New England are very different at present from what they were in 1704; they were then actually at war with the French and in distress but they are now grown more



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populous and opulent; and being in possession of an extensive trade, much more considerable than any other of H.M. Colonies in America, we apprehend they are very well able to provide for their own defence, at least so far as relates to small armes and gunpowder: But if your Lordships should be of opinion that they ought to receive the supplies they have now desired from H.M., we would humbly propose that it may be upon condition of paying for the powder, firelocks and other small stores that shall be sent them as well as discharging their old debts if the same hath not yet been done, and that they shall immediately pass a law for the repaire and defence of the Fort of Pemaquid, scituated on the eastern frontier of a large tract of country, lately adjudged to the Province of New England in H.M. Privy Council, lying betwixt that Province and Nova Scotia in which Pemaquid is the only fortress that has been erected in those parts to cover and protect the borders of New England from the incursions of the French and French Indians in case of a rupture between Great Britain and France. We conceive the repair of this fort and the cultivation of the lands about it to be the more necessary, lest the French having been once in possession of this country should hereafter set up a claim to it upon dereliction or any other title. [C.O. 5, 917. pp. 113-116.]

May 8.

**555.** Mr. Furye to Council of Trade and Plantations. Encloses following and prays for some directions upon the matter with the first convenient opportunity. *Signed*, Perege. Furye. *Endorsed*, Recd. 8th May, Read 6th June, 1735. 1p. *Enclosed*,

555. i. Extract from letter from Governor Johnson, S. Carolina, 14th March, 1734, to Peregrine Furye. Our Assembly will within a few days send Commissioners to join those of North Carolina to run out the division line, tho we apprehend with little probability of success, the Governor of that Province putting a very different construction from what we imagine is the real intent of H.M. Instruction on that subject *etc.* *Repeats difference of opinion*, and what he is positive was the opinion of the Lords of Trade when he was with them in England. *Concludes*:—But whether they have altered it since I have no authority to believe, having received no new instruction on that head: I begg you will take a proper opportunity to solicit their Lordships for a further explanation *etc.* *Copy.*  $\frac{3}{4}$  p. [C.O. 5, 364. ff. 26, 27, 33 v.]

May 8.  
Charles Town.

**556.** Mr. Hammerton to the Duke of Newcastle. As it is my duty so I take this first opertunity to acquaint your Grace that our Governor Mr. Johnson died last Saturday the third instant. Mr. Broughton who H.M. was pleased to commission as Lieutenant Governor and President of the Council, is sworn into the administration of the Government. The Genll. Assembly are setting, and passing a law for a new duty on

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negroes for the support and maintenance of the poor Protestants that come to settle in Purrisburg, the mony arrising by the Propriation Law being not sufficient for their support: The Lords of the Treasury having been pleased to give me leave to go to England (as H.M. Receiver Genll.) I hope I shall have the honour to kiss your Grace's hand. Being with the greatest regard and deference *etc.* *Signed*, John Hammerton, Secry. 2 pp. [C.O. 5, 388. ff. 128, 128 v.]

May 8.  
Charles Town.

**557.** Mr. Hall to [?]. Your Honr. having been the chief means of intreducing the intent of my undertaking in the Province, to the Lords of Trade, in such friendly manner; makes me hope you will please to pardon the freedom in giving some acct. of my proceedings therein, which have not been so successful as could wish, chiefly owing to neglect of the Captn. and contrary winds, detain'd us in the Channell, till the 28th of March; so that did not arrive here till the 15th of May which was too late for sowing the seed that season and hemp seed is of that nature as not to grow if kept out of the ground one year. This disappointment hath given great discouragment to the gentlemen; as likewise occasion'd no small dissatisfaction to me, because had flatter'd myself of bringing that undertaking to such perfection as might be of service both to this Province and Great Britain. The Assembly omitted making any provision for me in their last estimate, and during this Sessions the Governor hath had near nine months' sickness, which occasion'd frequent adjournments; so that my affairs was not determined till last month; when I was order'd paymt. for first cost and charges of the seed; and 40 pounds to be paid out of next tax in full for my expenses *etc.* being near twelve months on that expedition besides former attendances was not less than 120 pounds sterling which gives me reason to repent turning projecter, tho' am convinced from several small parcels of hemp sow'd here last year, in season, that great part of this Province is proper for raising hemp. But the planters are so much attach'd to following rice, being a comodaty mostly contracted for paying the merchants and factors for negroes *etc.* and most of the inhabitants are so much in debt that they are fearful of entering upon new projects till are farther convinced, of the difference between hemp and rice; for which reason have lately been at the township of Williams Burgh *etc.* where several famillys of English, Scotch and Irish are lately settled, and as have found the land good and offer'd my advice and assistance; they are resolv'd to follow sowing hemp. But as yet am in some doubt how shall be furnished with seed having only one hazard put in practice; which is, by the way of Boston and that from the produce of what hemp seed I brought from London, being sent there to be sold or made into oyle, to which have no answer as yet. I am now apprehensive of meeting with greater difficulties than expected in carrying on this undertaking; being my only pillar his Excellency Governour departed this life the third instant and as your Honr. hath had a personal acquaintance of



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that worthy gentleman the late Governour, it would be needless for me, in giving his character. In November last his Excellency commanded me to give my opinion in writing, what advantage I judged might accrue to Great Britain in general, by having quantities of hemp raised in this Province, which was a task too copious, for my capacity ; but had his Excellency been pleas'd to have let me know it was to be transmitted to the Lords of Trade and Plantations ; I should have desired more time and us'd my endeavours to put it in a more accurate and intelligible manner. The Council and Assembly have order'd me to write a book with directions for sowing and managing hemp and flax in this Province which is to be printed at the publick charge. The Commissioners appointed to make out the boundaries between this Province and North Carolina are met at Cape Fare, but have not heard how that matter will be determined ; tho' am inform'd that the Northern gentlemen claim farther southward than was expected and it is believed will carry thire point. *Signed*, Richd. Hall. *Endorsed*, Recd., Read 25th June, 1725. 2 pp. [C.O. 5, 364. ff. 44, 45, 45 v.]

May 9. **558.** Mr. Fox to the Council of Trade and Plantations. Charles Town, South Carolina. Encloses lists of vessels entered and cleared, Charles Town, for the quarter ended at Lady Day, 1735. *P.S.*—Our Governour after a long illness departed this life the 3rd instant. *Signed*, Jos. Fox, Naval Officer. *Endorsed*, Recd. 2nd July, Read 18th Sept., 1735. 1 p. [C.O. 5, 364. ff. 246, 249 v.]

May 10. **559.** Order of Committee of Privy Council. Referring to Whitehall. the Council of Trade and Plantations that part of Governor Cunningham's Memorial which relates to the supply of stores required for Jamaica, for their report thereupon. *Signed*, W. Cary. *Endorsed*, Recd. 21st May, Read 4th June, 1735. 1 p. *Enclosed*,

559. i.—iii. Copies of Governor Cunningham's Memorial and list of ordnance at and required for Jamaica (v. Oct. 18, 1734). 6 pp. [C.O. 137, 21. ff. 132, 133–135, 136, 137 v.]

May 10. **560.** Order of Committee of Privy Council. The Lords of Whitehall. the Committee of Council having taken into their consideration a report made by the Lords Commissioners for Trade and Plantations upon the memorial of Henry Cunningham Esqr., H.M. Governor of Jamaica, praying that in regard to the present distress circumstances of that Island, the legislature thereof may be restored to the liberty of laying a small duty on the import and export of negroes, till they shall be in a condition by other methods to raise the necessary supplies for the exigencies of the Government, and the support of H.M. forces order'd thither for the protection of the said Island. And the Committee having heard Council upon the said report, as also upon two Petitions presented against the same, the one by the merchants of London, Bristol, and Liverpool trading to Africa, and the other by the

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South Sea Company, are of opinion, that in regard to the present circumstances of the said Island, the Instructions given to the late Governor of Jamaica on the 10th of December, 1731, ought to be dispensed with, and that a new Instruction be given to the present Governor to empower him, during the present exigencies of that Island, to give his assent to an Act for laying a reasonable duty upon negroes purchased in the said Island, to be paid by the purchaser, provided the said duty be laid in such manner, that there shall not be more paid for the negroes which shall be purchased by the South Sea Company, than for those which shall be purchased by the inhabitants of the Island. And the Lords Commissioners for Trade and Plantations are to prepare a draught of such Instructions as they shall think proper to be given hereupon to the present Governor of Jamaica and lay the same before this Committee. *Signed*, W. Cary. *Endorsed*, Recd. 21st, Read 23rd May, 1735. 2 pp. [C.O. 137, 21. ff. 128, 128 v., 129 v.]

May 12.  
Jamaica,  
Spanish Town.

**561.** President Ayscough to the Duke of Newcastle. *Begins* as letter to Council of Trade *infra* 15th May. *Concludes*:—I have only as yet receiv'd four list(s) of the effective men of the Independant Companies, one of Captain James Draper's, consisting of seventy-three private men, one of Capt. George Harman's, consisting of ninety-seven private men, are sworn to by Daniel Cristy, the first Lieutenant of the Independant Company whereof Francis Cavally was late Captain, consisting of seventy-four private men, and another sworn to by Allane Lamonte, first Lieutenant in Sr. Alexander Cummins's late Talbotts, consisting of sixty-two men, besides officers, serjeants, corporals and drums, the rest shall be transmitted to your Grace as soon as they come to my hands. *Signed*, J. Ayscough. *Endorsed*, R. 2nd (by Lieut. Cleland). 2 pp. *Enclosed*,

561. i. Duplicate of preceding, dated 15th May. *Endorsed*, R. July 24th.

561. ii.-v. Muster-rolls described above.

561. vi., vii. Duplicates of May 15 encl. ii., iii. [C.O. 137, 55. ff. 183, 184-185, 186-187 v., 189, 190 v., 191, 192, 192 v., 194, 196-197 v.]

May 14.  
1725<sup>1</sup>.

**562.** Mr. West to the Council of Trade and Plantations. *Report* upon Acts of the Massachusetts Bay passed in 1720. *Is of opinion* that the Act for *explanation of and supplement to to an act referring to the poor etc.*, is not proper to be passed *etc.* "To take care of the poor is an intention so justifiable that 'tis impossible to object to it. But the power, which to that end is by their act vested in the parish officers is very unaccountable. Since at their pleasure they may disturb the peaceable living of any person whatsoever by informing for the strangest misdemeanors, that were ever invented. No single person of either sex, without any distinction as to their circumstances, must live at their own hand, but under some orderly family government, that is, they must not keep house for themselves. This

<sup>1</sup> See Introduction.



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I submit to your Lordships as a most unreasonable restraint. Another provision is, that no woman of ill fame, married or unmarried, shall be permitted to entertain lodgers. The whole seems too hard, but to extend it to married women, is unjust, since if their husbands will receive lodgers, it is not in their power to prevent it, and consequently ought not to suffer for the act of their husbands" *etc.* Has no objection to eleven other acts "passed in the said Island in 1720." *Signed*, Richd. West. *Endorsed*, Recd. 29th May, 1725, Read 28th Nov., 1735. *Mem.*—It does not appear, that the act herein objected to, has been presented to the Crown, and consequently may be repealed, if thought proper. 2½ pp. [C.O. 5, 878. ff. 77, 77 v., 82, 82 v.]

May 15.  
1725<sup>1</sup>.

**563.** *Same to Same.* Report upon five acts passed in the Massachusetts Bay, 1721. *Has no objection to four of them, but upon the Act for laying sundry duties on goods imported from New Hampshire and exported thither etc.* Observes that "the reason given for this act is that the province of New Hampshire exacts a duty of 2s. per 1000 on boards cutt in New England and brought down the Piscataqua River, to remedy which *this* duty is now laid *etc.* This method of proceeding looks as if each province in America consider'd itself as alien to each other and cou'd therefore act as independant kingdoms in point of trade. I apprehend this not to bee a proper remedy for any complaint they may have against New Hampshire. And if any province injures another by an undue tax on their trade, the remedy I think ought to bee by application to the Crown, to prevent any such acts being pass'd into law, and not by way of reprisalls enacted among themselves" *etc.* *Signed*, Richd. West. *Endorsed as preceding, with Memorandum to same effect.* 1½ pp. [C.O. 5, 878. ff. 78, 78 v., 81 v.]

May 15.  
Jamaica,  
Spanish Town.

**564.** President Ayscough to the Council of Trade and Plantations. My Lords, in pursuance of a Resolution, taken on the late Conference between the gentlemen of the Council and of the Assembly, had, to provide for the security, and defence of the Island, that Martial Law should be continued, for some months longer, there was a Bill prepared for that purpose, which has pass'd the Legislature, and has had my assent for continuing the same, for three months, from the proclaiming of Martial Law, which was accordingly proclaimed on Thursday last the 8th instant. There have been during this session, passed, the Act for putting the Island under Martial Law for any time, not exceeding three months, the additional Duty Act, the Deficiency Act, and also that, for laying a duty of seven pence half-penny p. gallon on rums; as to the two former, I asked the advice of the Council, before the giving my assent thereto, whether I could pass them, in the manner, as they were sent up to me, without breaking into H.M. Instructions; who gave me their opinion, that I might; the reasons whereof for my justification, I have herein inclosed. Your Lordships herewith receive, the humble Address that we have made to H.M., as also the Representations

<sup>1</sup> See Introduction.

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to your Lordships of the Council and Assembly. I must acquaint your Lordships, that the same reasons remain for passing Martial Law, in respect to the present state of the Island, as have been before given to your Lordships, but are now the stronger, in regard, that we should in a favourable season, improve the success, we have had already, and second this blow, towards the reduction of the rebellious negroes, since they have been so dispersed, and distressed, and before they gather themselves into the same strong body, they were in formerly : We shall hereby be able, much sooner to finish our barracks, by forcing in a greater number of pioneer, and other negroes, to work, on the service of the country, that we cannot get without great difficulty, and unwillingness, from the owners of the plantations, in the time of civil power ; we in the same manner raise a greater number of more expert and able men, to be sent in parties, into the woods, in pursuit of the rebels, and they, at this time, more cheerfully submit, to the fatigues of marching, and are under better discipline, and command ; when the officers are enabled to impress wains, mules and other conveniences, for the carrying the baggage, provisions, and other necessaries, where our parties are encamped ; and the thoughts and care of every inhabitant, are more employ'd, in the publick service, which are otherwise diverted, in the private, as well as the publick business, of the community. I say my Lords, for these, and other reasons, too long to trouble your Lordships with, the Legislature were of opinion, that, the present condition of the country, made this Law absolutely necessary. *Signed, J. Ayscough. Endorsed, Recd. 4th, Read 14th, 1735. 1 $\frac{3}{4}$  pp. Enclosed,*

564. i. Address of the President, Council and Assembly of Jamaica to the King. We, your Majestie's most dutifull and loyall subjects *etc.*, cannot but be alarmed at the preparations of war carried on in Europe. For though we have a full confidence in the wisdom of your Majestie's Councils and the affection you bear towards your people ; which has hitherto prevented your Majestie's entring into a warr that has proved so fatal and expensive to the neighbouring Kingdoms, yett as the noblest views pursued by the best concerted measures cannot insure the success desired, it is uncertain how soon the necessity of affairs may render your Majestie's bearing a part in the present disquiet unavoidable ; and in such a case we consider that your Majestie's cause must engage us in hostilities with our neighbours, the French and Spaniards in the West Indies, who on the least notice and slightest occasions are ever ready to take their advantage. We begg leave therefore to lay before your Majesty our most humble Address for a supply of all warlike stores but more particularly of canon and small arms so requisite for our defence at this dangerous juncture, in which upon inspection we find with some concern our magazine very deficient.



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The experience we have had of your Majestie's generosity so often exerted in succouring this your Majestie's Island, emboldens us to hope for a speedy and sufficient releif in these our wants. We trust that your Majestie's unwearied bounty and the necessity of this country, will plead strongly with your Majesty to excuse our frequent importunities, who shall pray for your Majestie's welfare and wish the highest success to your Majestie's endeavours; a success we mean equal to the greatness and goodness of your Majestie's designs. *Signed, J. Ayscough; Jos. Maxwell, Cl. Concil.; Wm. Nedham, Speaker. Same endorsement. 1 large p.*

564. ii. Representation of the President, Council and Assembly of Jamaica to the Council of Trade and Plantations, May 2, 1735. We have seen your Lordships' Representation to the Lords in Parliament in relation to the Collonys and it is with particular satisfaction to our selves that we have so considerable and favourable a share in it. It is very apparent that the Sugar Collonys have been long declining, and very much want the assistance of the Legislature to put them upon an equall footing with their neighbours the French, and we know no methods that can conduce so much to it, as those proposed by your Lordships, the carrying our sugars directly to Forreign Marketts and the lowering the duty upon rum as to what relates more particularly to this Colony we must observe to your Lordships that the decrease of our trade and consequently of our strength has amongst other causes been in a great measure owing to these two. 1st. The establishing a Factory of the South Sea Company for furnishing the Spaniards with negroes has been a considerable obstruction to its settlement and the principal cause of the diminution of its inhabitants, as that branch of Commerce was formerly carried on by separate traders, and not only employed above one thousand sea men who were a considerable strength and security to the Island, but was the means of vending very considerable quantitys of British manufactures, and introducing six hundred thousand pounds per annum, which or the greatest part was re-exported to our Mother Country. 2ndly. The farming the trade to Campeachy has likewise been a great and further occasion of the decrease of the Commerce and Navigation, as the logwood trade employed at least one hundred sail of vessells and one thousand five hundred seamen and this Island made the general magazine of that commodity, which is now engrossed by some few private persons, and chiefly exported to Holland and other foreign parts, and their Agents have not only incited but joyned with the Spaniards, as we have undoubted informations, in attacking and destroying the British Navigation in the

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Bays of Honduras and Campeachy, which we humbly conceive affects in a high degree the honour as well as the intrest of the Brittish Nation. How farr we are releivable in those respects, we humbly submitt to your Lordships' consideration, and are encouraged to hope from your long experience and great abilitys as well as a ready disposition on all occasions for the service of your Country, that some means may be thought of to preserve the Trade and Navigation of this Island, if not to restore to us those valuable branches of our commerce, since our intrest is the intrest of Great Brittain, and whatever riches or advantages we acquire, at length center there. Your Lordships do with a great deal of reason assign another cause of our want of people to the vast tracts of land that ly uncultivated in the hands of particular proprietors; as to that we must begg leave to observe to your Lordships that the Legislature have at times attempted a remedy by passing several Bills for that purpose, which were not attended with their desired success; however the Legislature is now framing another Bill which they will take care to render as little lyable to exceptions as may be. As to our fortifications which your Lordships are pleased to take notice off, we must begg leave to acquaint your Lordships that they are neither so many nor in such a condition as they have been represented to your Lordships, there is but one in the whole Island that deserves the name of a fortification, Fort Charles, and that in a ruinouse condition, occasioned by frequent hurricanes and the breaking in of the sea, and tho' there has been for several years a constant fund of one thousand two hundred and fifty pounds per annum appropriated to that purpose, yett from the mismanagement or neglect of some of the late Commanders of that Fort it is now reduc'd to so bad a condition that the repair of the same will require a much greater sum of money than we are capable of raising. It further wants all manner of warlike stores, particularly cannon and small arms, which quickly receive damage in this climate. We have directed several of the cannon that may be made serviceable, to be sent home, and hope for others in their room. To which purpose we shall address his Majesty, and begg your favourable interposition in recommending that they as well as small arms may be speedily sent, as absolutely necessary for our defence; since we have undertaken to give your Lordships this trouble we think it proper to lay before you the state of the country in respect to the soldiers here, they are undoubtedly necessary for the preservation of the country against the negroes in rebellion and those that may joyn them, the disproportion between Whites and Blacks being at least tenn to one, and the



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danger has lately so nearly approached us as to oblige us to put the country under Martial Law for six months past ; in which time they have obtained some advantages against the rebels, but our condition is still such as to oblige us to raise it for three months longer, in order to pursue those advantages at the same time that we say we can't support our selves without soldiers, we must likewise say that we are as unable to provide an additional subsistence for them, and tho we have hitherto done it in deference to H.M. recomendation, yett upon tryal we find the country so impoverished and so drained of money, as to be unequall to that burthen, and we humbly hope his Majesty in his great goodness will find some means to give us the benefit of their protection without the expence ; we must further observe to your Lordships, that those soldiers have not yett been so serviceable to the country as might have been reasonably expected, the name and sight of them has probably had some good effect amongst the negroes, but they have been guilty of great disorders and irregularitys, and seem not sufficiently to be under the power of their officers, and we do in a great measure impute this to their knowledge of some instructions relateing to their tryall, which restrains the officers from inflicting death, lett their crimes be ever so notoriouse, till H.M. pleasure shall be known from England, which requires such a distance of time as emboldens them not only to have their officers in contempt and to disobey orders, but to commit insults upon the inhabitants, and if suffered to go on with impunity, they will become more dangerouse to the country than the negroes they are sent to protect us against, wee dare not prescribe methods but should be glad some expedient could be found to keep them under better discipline. And we begg your Lordships will be so good as to putt a favourable interpretation upon what we have said on this subject ; we think it our duty to represent facts that you must otherwise be strangers to, but we do it with the humblest submission and deference to H.M. ; we must already sufficiently have wearied your Lordships, but to make but one trouble of it we can't forbear taking notice to your Lordships, that we are informed a sollicitation is carrying on by the inhabitants of Kingston to remove the seat of Government, the Courts of Justice, and all publick offices to that town ; we shall only observe to your Lordships on this head, that they have been fixed in this town ever since the establishment of a Government here, that this has been found in all respects the most convenient place, and we hope no private sollicitations however supported, will have any weight against a law subsisting for their being kept here, but that the legislature of a country

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will be always held the best judges in such matters ; we should not have mentioned an affair of this nature to your Lordships but that the inhabitants of Kingston have talked very confidently of the success of it, tho' we see no foundation for it, and they have hitherto been wise enough not to expose their reasons for it ; we cannot conclude without returning our hearty thanks to your Lordships for your many good offices to this Island, and begging the continuance of them, as we shall use our best endeavours to deserve them. *Signed*, Ed. Pennant, John Gregory, John Campbell, Rich. Mill, Will. Hayman, Temple Lawes. *Endorsed*, Recd. 4th, Read 14th Aug., 1735. 4 large pp.

564. iii. Minute of Council of Jamaica, 3rd May, 1735. *Copy*. 1½ pp. [C.O. 137, 21. ff. 213-215, 216 v.-218 v., 219 v.-220 v.]

May 16.  
St. James's.

**565.** Order of King in Council. Approving of reports of Committee upon petition of Lord Baltimore and Richard Penn, and ordering that the consideration of said petitions and the representation of the Council of Trade thereupon be adjourned untill the end of Michaelmas term next, that the said John, Thomas and Richard Penn may have an opportunity to proceed in a Court of Equity to obtain relief upon the articles intested upon by them *etc.* After the expiration of the said time either party is to be at liberty to apply to the Committee of Council for Plantation Affairs as the nature of the case may require *etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 2½ pp. [C.O. 5, 1268. ff. 154-155 v.]

May 16.  
St. James's.

**566.** Order of King in Council. Approving draft of Instructions to Governor Lee. *Signed*, W. Sharpe. *Endorsed*, Recd. 31st May, Read 12th June, 1735. 1 p. [C.O. 194, 9. ff. 272, 275 v.]

May 16.  
St. James's.

**567.** Order of King in Council. Approving draft of Commission for Governor Lee. *Signed and endorsed as preceding*. 1 p. [C.O. 194, 9. ff. 273, 274 v.]

May 18.  
1725<sup>1</sup>.

**568.** Mr. West to the Council of Trade and Plantations. *Has no objection to eight acts of the Massachusetts Bay, passed in 1723, but upon an act in addition to etc. an act etc. for preventing of trespasses*, observes that "this act introduces a strange kind of wages of law, by the single oath of either plaintiff or dependant in cases of trespass, and as it manifestly tends to the encrease of perjury and is a practice not known to the Law of England, I am of opinion it is not proper to be pass'd into law." *Signed*, Richd. West. *Endorsed*, Recd. 29th May, 1725, Read 28th Nov., 1735. *Mem.*—The act here objected to, is expired, but a new one passed in 1726 perpetual has the same clause *etc.* Neither of these acts have been presented to the Crown for confirmation, so may be repd. 2 pp. [C.O. 5, 878. ff. 79, 79 v., 80 v.]

<sup>1</sup> See Introduction.



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May 19.  
1725<sup>1</sup>.

**569.** *Same to Same.* Reports upon 37 Acts of the Massachusetts Bay passed in the years 1715–1718, to which he has no objection. But on the Act passed in 1715 *for holding a Superior Court of Judicature etc. for the county of New Hampshire*, he observes, “that the power of erecting Courts of Judicature is the unalterable prerogative of the Crown, and therefore this establishment by the Assembly of New England cannot be valid, any otherwise than as it is conformable to their Charter, which is the source of all their power. By the Charter *etc.* the Generall Assembly are impowered not to establish courts generally, but to erect and constitute judicatories and courts to be held in the name of the King *etc.* It is true that the act to which it refers, 11 Wm. 3, is in the same manner, and that act is said to be confirmed. But with submission to your Lordships I imagine it to have been an oversight that it was so, since it may be made a question upon the words of the act (which when confirm’d may perhaps dispute authority with the Charter) whether they are obliged to hold their Courts in the King’s name or not, since there is no provision for that purpose. I doubt not but their judicial proceedings do run in the King’s name but yet there seems to be a kind of industry to avoid naming the King even upon those occasions where there is a kind of legall necessity that they should; As in this Act, where the directing of Courts generally to be held, is not a pursuance of that authority, I before mention’d to be granted by the Charter. Tho’ I do not object directly to the passing of this act, yet I thought it proper to submitt this observation to your Lordships,” *etc.* Signed, Richd. West. Endorsed, Recd. 29th May, 1725, Read Nov. 28, 1735. *Mem.*—It does not appear that these acts were ever presented to the Crown for confirmation, and consequently may be repealed yet, if thought adviseable. To be considered. 4 pp. [C.O. 5, 878. ff. 74–75 v., 76 v.]

May 20.  
1725<sup>1</sup>.

**570.** Mr. West to the Council of Trade and Plantations. Reports upon act of the Massachusetts Bay, 1718, *for the ease of prisoners for debt*, that this act is expired, but observes that it expressly enacts “that the whole penalty of the bond prescribed, *without Chancery* shall bee to the use of the assignee of it. I beleive there never was a law of this kind before, wherein there is an exclusion of equity in expresse words, and as equity cannot take place but when from the circumstances of the case it is reasonable so to do, a clause of this kind must alwaies be absurd.” Signed, Richd. West. Endorsed, Recd. 29th May, 1725, Read 9th Dec., 1735. 1½ pp. [C.O. 5, 878. ff. 98, 98 v., 107 v.]

May 23.  
St. James’s.

**571.** H.M. Warrant appointing James Wright, Remembrancer, Clerk of the Pleas and Estreats of the Court of Exchequer, S. Carolina. *Countersigned*, Holles Newcastle. Copy. [C.O. 324, 36. pp. 505, 506.]

May 24.  
Whitehall.

**572.** Order of Committee of Privy Council. Approving representation of the Council of Trade and Plantations that the Act of St. Christophers, 1732, *for continuing the duties of*

<sup>1</sup> See Introduction.

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*gunpowder etc.* is proper for H.M. disallowance. *Continues* :—But the Committee observing that by the 23rd Article of the Instructions given to the Governor of the Leeward Islands, he is directed not to pass any law for laying duties upon British shipping or by which the trade or navigation of this Kingdom may be any ways affected; and observing further that an additional Instruction was judged necessary to be lately transmitted to the said Governor, to empower him to give his assent to an act for continuing a powder duty *etc.* in Antigua, the Committee doth therefore hereby order that the Lords Commissioners for Trade do consider whether it may not be necessary in the present cases, to transmitt an Instruction of the like nature with regard to the island of St. Christophers. In that case, they are to prepare a draught of an Instruction to empower the Governor to pass an act for continuing the said duties in St. Christophers, taking care that the same be not liable to the objections contained in the representation of the said Lords Commissioners *etc.* *Signed*, W. Sharpe. *Endorsed*, Recd. 31st May, Read 13th June, 1735. 1½ pp. [C.O. 152, 21. ff. 38, 38 v., 41 v.]

May 24.  
Whitehall.

**573.** Order of Committee of Council for Plantation Affairs. Referring following to the Council of Trade and Plantations for their report. *Signed*, W. Sharpe. *Endorsed*, Recd. 12th June, 1735, Read 15th Jan., 173½. 1 p. *Enclosed*,

573. i. Petition of Samuel Storke and Peter van Brugh Livingston. *Abstract*. One of petitioners, an inhabitant and native of H.M. Colony of New York has made it his study to cultivate a friendly correspondence with the powerfull Nations of Indians. He is become familiar with their tempers and has ingratiated himself so much in their favour as to be encouraged to venture a settlement on back frontiers of that Province. There is a tract of land in the country of Albany and New York of about six miles in length and six miles in breadth upon the banks of the Mohawks River commonly called by the natives Tionondague, not the property of any private person nor any considerable plantation settled near. [*v.* 10th Feb., 173½.] Petitioners are desirous of making an improvement there, by settling some of H.M. poor and indigent subjects, which will not only be a great security by strengthening the frontier of that Province agst. the incroachments of the French but also secure the furr trade, which of late years in a great measure for want of that has been declining. *Pray* for a grant of such lands under such quit-rent *etc.* as H.M. shall think fit. *Signed*, Saml. Storke, Peter V. B. Livingston. *Copy*. 1 p. [C.O. 5, 1058. ff. 15, 16, 18 v.]

[May 24.]

**574.** Petition of Samuel Storke and Peter van Brugh Livingston for grant of land in the County of Albany with map.



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*Copy.* Recd. and read Feb. 10, 1735. *As to this v.* May 24, 1735, and Oct. 9th, 1734, where petition is given. [*C.O.* 5, 1058. ff. 21, 21 v. *Map in M.P.G.* 600.]

May 24.  
Whitehall.

**575.** Order of Committee of Council. Referring following to the Council of Trade and Plantations. *Signed,* W. Sharpe. *Endorsed,* Recd. (from Mr. Rutherford) 4th, Read 12th June, 1735. 1 p. *Enclosed,*

575. i. Petition of Thomas Rutherford to the King. Petitioner purchased a grant of 12,000 acres in S. Carolina, dated 25th Oct., 1726, which grant is one of those mentioned by the Lords Proprietors in a return they made to an Order of Committee to lay before their Lordships the grants made by them since 1713, in which they have the words (*vizt.*), Four Baronys consisting of 12,000 acres each were granted to Mr. Tho. Loundes and three other persons *etc.* Petitioner's grant and those abovementioned have a warranty in them from the late Lords Proprietors, to which H.M. as purchaser succeeds. The Lords Proprietors, in order to make the grants more marketable to Mr. Loundes, the person petitioner claims under, did upon Loundes petitioning them promise to give him upon surrendering the grants not then run out other grants for lesser quantities not exceeding in the whole the quantity of land so formerly granted. But H.M. purchase of the Carolinas was sett on foot before such new grants were made. A certificate of which promise of the late Lords Proprietors is lodged in H.M. Office for Trade and Plantations *etc.* *Prays for* H.M. directions to the Surveyor General of S. Carolina to run out the 12,000 acres mentioned in such tracts as petition shall think meet, but not in Purrysburgh or within the six miles round the townships directed to be set out by H.M. *etc.* *Signed,* Thos. Rutherford. *Copy.* 1¼ pp. [*C.O.* 5, 364. ff. 40, 41 v., 43 v.]

May 25. **576.** Governor Johnston to the Council of Trade and North Carolina. Plantations. I hope your Lordships will forgive me for not giving your Board at this time a full information of all the particulars requir'd by my Instructions, as I design to send none but very exact accounts. It will require more time than I have yet spent in this province to satisfy my self in several points which I design to offer to your Lordships' consideration. The Journals of both Houses of Assembly are now preparing in order to have copies transmitted according to my Instructions. I shall at the same time send a copy of our laws with remarks upon them. But *what demands the most immediate attention is the affair of H.M. Quitrents and the proceedings thereupon in the last Assembly.* I have always look'd upon this as a matter of the greatest moment, and as this country pays no other acknowledgement to the Crown of Great Brittain, and would even defraud H.M. of that

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if they were not very narrowly watched, I very early last sessions gott a bill brought into the Lower House for procuring H.M. a rent roll and the more regular payment of his quitrents. Your Lordships have no doubt heard of what they call blank patents in this country (of which I have sent a true state along with this) there are very near half a million of acres held by these patents in this province which pay but 6*d.* or 1*s.* per 100 acres rent instead of 4*s.* [?] proclamation money, the people concern'd in these patents tryed all manner of arts to gett a clause in this bill to confirm their grants, but as I thought it would vastly diminish H.M. revenue, and hurt a number of private persons in their property, and as I had reason to believe that besides the great quantities of land which are held by them already they might have numbers of them lying dormant by them to produce upon occasion, I would never consent to it, for which reason they loaded the bill with so many clauses prejudicial to H.M. revenue, that the Council thought fitt to reject it. I shall send by next conveyance a copy of the bill as brought into the House, and another copy of it as clogg'd by their artifices. Immediately after this in order to convince the people that H.M. just revenues did not depend upon any acts of their Assembly as some of them had the assurance to give out, I issued a Proclamation ordering all H.M. tennants to pay the arrears of their Quitrents (for none has been paid since H.M. purchase) to the Receiver General, and being inform'd that this occasion'd a general murmur I took care to putt the Militia in such hands as to prevent the King's officers from being insulted in collecting of his rents. I have now the pleasure to inform your Lordships that there now appears a general submission to these orders and I am confident I shall be able to give a good account of the arrears and make them glad to offer of them selves such an act as will do justice to H.M. against next sessions. As the proprietors of these blank patents have troubled your Board with a representation in their favour, I must in duty to H.M. declare unto your Lordships that after a very wise and impartial enquiry I can see no reason to confirm one of them, and that in justice every patent issued since the land office was shut up, was a cheat from the beginning and ought to be declar'd nill and void, and as they have promis'd to submitt to your Lordships' opinion without repining I must acquaint you that if your Lordships make any the least concession or distinction there will be no end of their quibbling, and this matter won't be determined for years to come, whereas if you think proper to condemn all patents issued on any pretence whatsoever since the land office was shutt up by the Lords Proprietors and oblige them to take out new patents from the Crown, it is no hardship to them, it will much encrease the only revenue the Crown has here, and it will finish the affair at once. I must once more putt your Lordships in mind that these patents take place in the County of Bath only, which how'er contains three parts of four of the whole province. I have according to my Instructions erected a Court of Exchequer in this province and the Attorney General has begun to vacate some of the most



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grossly fraudulent of these patents, but I shall take care that nothing shall be finally determin'd in that Court untill I have the honour of your Lordships' directions. Commissioners from this province and South Carolina have mett and adjusted the boundaries betwixt the two provinces, which has hitherto very much perplex'd both Governments. They have actually begun to run the line and are to proceed next autumn, I shall send all the papers relating to this affair by next opportunity, and hope as it is now finish'd your Lordships won't hearken to any solicitations from our neighbours, who I hear design since Mr. Johnson's death to procure a new instruction more in their favour than the last, in order to have a pretence for receding from an agreement made by their own Commissrs. fully empowr'd by themselves. There are at present three vacant places in H.M. Council, one occasion'd by the death of John Baptista Ash Esqr., as for James Stallard and Richard Eyems whose names I find in my instructions I can't find that there ever was such persons in this province. I recommend unto your Lordships any three of the following gentlemen to supply their places, William Forbes, James Innes, Esq's., Thomas Wardroper, Surveyor General of lands, Samuel Woodward, Samuel Johnston Esqr. Before I conclude I beg leave to represent to your Lordships that it would contribute very much to H.M. service if I could recieve your commands about these patents before November next when our next Assembly meets, for there wants little else to terminate all disputes about land. *Signed*, Gab. Johnston. *Endorsed*, Recd. 2nd Aug., Read 3rd Sept., 1735. *Holograph*. 2½ pp. *Enclosed*,

576. i. *Same to Same*. Governor Johnston to the Council of Trade and Plantations. The case of the blank patents in North Carolina fairly stated in behalf of His Majesty. *Abstract*. It is confessed on all sides that many years before 1724 the Land Office for the County of Bath and the Governor and Council by frequently repeated orders from the Lords Proprietors were deprived of all power of granting lands and absolutely discharged from selling any in the said county unless by order from their Board in London, upon the payment of £20 sterl. per 1000 acres there. This prohibition was never removed until the Crown's purchase. That it was universally known to all the inhabitants appears from what follows. For in 1724 it was a general complaint through the Province that the Lords Proprietors had absolutely discharged the sale of lands in the County of Bath except upon terms that could not be complied with, and that this prohibition greatly hindered the settlement of the country. The Lower House of Assembly did upon this address the Council to interced with the Lords Proprietors to withdraw this order, which the Council did, and upon a second address ventured to make a regulation by which people were allowed after a survey to set down and cultivate tracts of land in the County of Bath and pay 3s. per 100 acres, such persons to have

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the preference in the purchase of such lands whenever their Lordships should permit their lands to be sold. Even this regulation was to continue in force only until the Proprietors' pleasure should be known. Evidently, then, the prohibition did exist and was universally known, and ignorance cannot be pleaded *etc.* This regulation of the Council was very prudent and just, and if it had been adhered to would have prevented all the confusions that have since happened. But, instead, some leading men in the Province, and officers of the Lds. Proprietors combined together and by a long train of artifices and threats prevailed upon the weakness and necessities of Sir Richard Everard (tho' it was never pretended that he had any more power than his predecessors to grant land) to sign patents along with the Council upon various pretences *etc.* These patents were drawn up in form and signed and sealed, with the persons' names, the number of acres, the description of the boundaries and the sums paid for them left in blank, and remained so in the Secretary's Office, from whence they were issued, disposed of, and filled up, just as the Proprietors' officers thought fit. I have seen some of them myself in private persons' hands entirely blank and have been audibly informed that bundles of them at a time have been hawked about the country. Thus they besides being issued by persons who were universally known to have no power to grant them; (1) they were issued in blank, as above; (2) they were not preceded by regular surveys returned into the Secretary's Office; (3) the dates of many have been filled up since H.M. purchase took place; (4) the original records from whence they are supposed to be extracted plainly evince them to be fraudulent, for upon inspection it appears that many of the patents of the date 1725, 1726 and 1727 are there placed after patents of 1729, 1730; and this not in one or two places but in many, though the pages of the book are regularly marked *etc.* The bad consequences attending the confirmation of those patents ought to be considered, of which I mention only two at present. (1) The opportunity it gives people of possessing what quantities of land they please and of claiming what persons' lands they think proper, as the number of acres and dates have been and perhaps are still entirely in their own power, for there is no knowing what number of them may still remain not filled up. (2) The possessors of some of these patents have persuaded some of the Crown's tenants in the other county to give up their old tenures, of 2s. per 100 acres and take out these new patents at 6d. and 1s. pr. 100 acres as if they had sworn the destruction of the late Lords Proprietors' now the Crown[']s [? Receiver]. One of the principle reasons why



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H.M. purchased this province was that his subjects might possess land without any purchase upon paying an easie quit rent. But if people may merely by filling up a blank piece of paper call what lands they please their own, they may easily oblige strangers to buy of them, and so entirely frustrate H.M. gracious intention, if one may of what is future by what is past. The only appearance of argument I have heard in favour of such of these patents as are dated before Jan. 1727 *etc.* is the clause in the Act of the two Provinces :—Except all such lands *etc.* as have been at any time before 1st Jan., 1727, granted or conveyed by or comprized in any grants, deeds, instruments or conveyances under the common seal of the said Lords Proprietors either in England or the provinces aforesaid. This in the opinion of the possessors of these patents ratifys all their patents prior to that date. But I can never be of opinion that : this Act in any part of it ever intended, to confer any grants, deed, instruments and conveyances which were originally null and void, and which they might date whenever they pleased, especially when it is declared in the very next clause that this exception shall not extend to, nor include, any forfeited grants nor any rents, services, signiories or rights of escheat reserved upon or incedent to any such grants.—After seriously considering the premises, and attentively perusing my 39 Instruction wch. condemns most of them, and others of my Instructions H.M. service will not allow me as yet to publish and which includes all of 'em, I did by and with the advice and consent of H.M. Council, erect a Court of Exchequer and afterwards issue a Proclamation by which I declared my intention of ordering the Attorney General to vacate all these patents and at the same time to allow innocent and fair purchasers the liberty of surrendering these patents to me, and taking out new ones according to H.M. Instructions, upon which the gentlemen principally concerned in these patents did represent unto me that they conceived I understood my Instructions in too rigorous a sence, and if they could be heard at your Ldps.' Board they might meet with more indulgence. I readily consented to their request and have sent their memorial along with this representation, which as a faithfull and sworn servant of the Crown I thought it my duty to lay before your Lp. *etc.* Signed, Gab. Johnston. *Endorsed as covering letter.* 3½ large pp.

576. ii. Journal of Assembly, N. Carolina, Edenton, Nov. 6–13th, 1734. *Printed*, N.C. Col. Rec. III. 634–643. *Same endorsement.* 10 pp. [C.O. 5, 294. ff. 195–198 v., 199 v.–205 v.]

May 26.  
Bermuda.

577. Lt. Governor Pitt to Mr. Delafaye. I have inclosed the notes and Acts of Assembly which are intituled as follows, an Act

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to prevent vexatious suits and for limiting the time of returning executions, issued on judgments obtain'd at the Court of Common Pleas etc., an Act for the renewing the Act intituled an Act to prevent any person or persons whatsoever in these Islands from making or keeping any nett or netts etc., an Act for raising a sum of money for payment of the publick debts of these Islands, which desire you will lay before his Grace, etc. *Signed*, John Pitt. *Endorsed*, R. 5th July. 1 p. [C.O. 37, 29. No. 19.]

May 26.  
Winsburgh.

**578.** Lt. Governor Gooch to the Duke of Newcastle. On the 20th instant I had the honour of your Grace's letter of the 24th of February, with the copy of the Spanish Ambassador's Memorial, and take this first opportunity by H.M. Ship *Winchelsea*, now order'd home from this station, to give your Grace the best information I can of the facts suggested in the memorial. As this Colony is seperated from all the Dominions of the Crown of Spain, by a tract of lands of many hundred miles extent, so we have no manner of commerce with them by sea : if therefore any of the subjects of the Crown of Spain, have at any time come into this country, it hath been either as captives taken by foreign Indians, or by ships of warr or privateers in time of warr ; and if on either of these occasions they have been sold here, they must have been slaves before, because our laws forbid the keeping anyone a slave, who was before a freeman in any Christian country whatsoever : and I have known many instances even of negros sett at liberty by our courts of judicature, upon proof of their being so in the country from whence they came. During the warr between his late Majesty and the King of Spain, I am told, a privateer of Jamaica, about the year 1719, brought into Virginia a Spanish prize, wherein were several mulattos and Indians, said to be Spanish slaves, but I cannot learn that above two of them were sold here, the people scrupling to buy any that they were not well assured were slaves before the capture (so the privateer went to New York) and probably one of those two might be the same mentioned in the memorial to have been seen at Hampton by Don Francois Lopez in April, 1733, for to that port the privateer brought his prize : and if any proof can be made that those two Indians were free amongst the Spaniards, the owners of them will be obliged to sett at liberty ; but if no such proof can be made, it will be thought reasonable by your Grace that the persons who bought them should be reimbursed, if H.M. shall think fitt to order all slaves taken from the Spaniards during the warr to be restored. But herein, I hope your Grace will pardon me, I am humbly of opinion some distinction ought to be made of Indians taken in warr by other Indians, not under the obedience of either Crown, and purchased from the captors, since the right of the conqueror is freely transferr'd by the purchase : and this case frequently happening amongst the Indian nations bordering on Florida and the Bay of Mexico, it seems agreeable to the law of nature and of nations, that such captives should be considered after they are sold, as if they were still in the captor's possession, from whom they could not be reclaimed without some previous stipulation. About



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the time mentioned in the memorial Capt. Aubin of H.M. Ship *Deal Castle* arrived at Hampton ; he had been, as I afterwards heard, for I did not see him, by order of the Admiral who commanded in the West Indies, down as low as Campeachy after an English vessel the Spaniards had taken and carried thither ; and the treatment he mett with from the Governour was such as forced him, upon making reprisals for his Lieutnt. whom he sent ashore to demand the ship was kept with his crew as prisoners, and he could gett no other answer : meeting afterwards with a Spanish ship from Old Spain, he took her, and not being able to beat up to windward was coming through the Gulph, where he mett a violent storm, lost his prize, and was himself forced in hither, where he stayed two days. On his departure, three Spaniards were found that he left in this country ; they came to me and told me their case, that they were passengers on board the ship thus taken, going from Old to New Spain, one a phisitian, another an apothecary and the third a surgeon, they said they were put ashore ; but I am inclined to believe that upon leave given them to land and refresh themselves, they concealed themselves till the man of warr sailed, for I can't suppose the Captain would have turned them adrift without acquainting me with it ; however, my Lord, I took great care of them, I ordered them to be subsisted at the public charge during their stay here, and see it done ; and when they desired to be gone, which was in about six weeks, I gave them money in their pockets, my passport and recommendation, and from So. Carolina I received from them a letter of thanks for my civilities to them. Some others of that nation found on board a ship trading hither, that was betaken and brought in here had the like treatment and were sent home by the way of Jamaica, tho they had taken several of our vessels in sight of our Capes, and in time of peace, they pretending that they thought warr had been declared. This, my lord Duke, is all I know, or have been informed of any Spaniards or their ships being in this Colony. I am now to give your Grace an account of a very melancholly accident which hath lately happened in a ship bound hither, the *Haswel* of London, Christopher Brooks master, belonging to Messrs. Haswel & Brooks merchants there : this ship in her passage touched at Madeira ; about two or three days after her departure the crew mutinied and murder'd the Master and both his mates in a most barbarous manner ; the boatswain who was the ringleader took on him the command of the ship, and sailed to the Island of Maria-callanta ; where a gentleman, who was passenger in the ship, and luckily understanding French was employed by them as their interpreter, found means to discover their villany by slipping a paper into the hands of the Governour, who immediately seized the men and ship, and sent her with her crew to Martinico, where they were tryed, the boatswain and another man to be broke on the wheel, three others were sentenced to be hanged, which was executed as they justly deserved, the rest were cleared. But what I apprehend my Lord to be an injury to the owners and freighters is, that the ship and cargoe consisting of upwards of an hundred pipes of Madeira wine are also condemned and sold at a very

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inconsiderable rate, and one third of the price adjudged for salvage, and the rest only allowed to the owners, provided they claim it within a year. Had the Governour of Martinico sent notice to Barbados, which he might have done in 24 hours time, the ship and cargoe might have been preserved entire for the benefit of those interested therein ; and the owners would have had the advantage of the freight of tobacco from hence (for their correspondent at Barbados would have sent the ship hither) which of itself would have been of more value to them than the price they are like to receive for the ship, and seems to be more consonant to that friendship subsisting between the two Crowns ; especially, as this might have been done with little trouble and expence, considering the small distance between the French and British Islands. But this I submit to your Grace, how farr it is agreeable to the Treatys of Commerce between the two nations, with this remark, that had such a misfortune befallen a French vessel, and the like discovery been made in Virginia, or any other of H.M. Dominions, the whole would have been secured for the persons claiming the property, until H.M. pleasure was known. *Signed*, William Gooch. *Holograph*. 3½ pp. [C.O. 5, 1337. ff. 175-176 v.]

May 26.  
Bermuda.

**579.** Lt. Governor Pitt to the Council of Trade and Plantations. I received the favour of your Lordships' letter dated the twenty third of October last, relating to the publick accounts of these Islands which shall take due care to observe. I did my selfe the honour some time past to acquaint your Lordships that there was three vacances in the Council and thought proper to recommend to your Lordships the following gentlemen as men of integrity and substance, John Darrell, Richard Hunt and Samuel Spofferth Esqrs. I now do my selfe the honour to inclose to your Lordships the Treasurer's Accounts etc., November, 1732-1734, with the Acts and votes of Assembly, which are entituled as follows *An Act to prevent vexatious suits, and for limittig the time of returning executions issued on judgments obtained at the Court of Common Pleas etc., an Act for the renewing the Act etc. to prevent any person or persons whatsoever in these Islands from making or keeping any nett or netts etc ; An Act for raising a sum of money for payment of the publick debts of these Islands.* Also an answer to your Lordships' Queries. I am with great respect, etc. *Signed*, John Pitt. *Endorsed*, Recd. 24th, Read 31st July, 1735. 1p. *Enclosed*,

579. i. Capt. Pitt's Answers to Queries from the Council of Trade etc. (1) The chief trade of these Islands consists in shipping by which the inhabitants industriously supply the British Northern Collonies with salt and from these Colonies carry all sorts of provisions lumber etc., to the British and Dutch Islands in America. There belongs to this Island about sixty sail of vessells, the largest one hundred tons the least about twenty tons. These vessells yearly employ about two hundred white men and 150 negroes slaves as sailors and on the success of their navigation chiefly depends the support of H.M. subjects in these



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Islands. Seldom diminish the number of shipping for on sale or misfortune of losing any of them it's supplied by building new ones; they build near sixteen sloops *communibus annis*, and so the number of sailors are much the same. (2) These Islands have imported one year with another from Great Britain about £10,000, sterling consisting chiefly of linnens of all sorts from baghollands down to oznabrigs, woolens of all sorts, broadcloaths, kerseys, duroys, druggets, sagathys, salloons, half thicks, blankets, rugs, coverlids, Norwich stuffs, callimancoes, stockins for men and women, and hatts. Also sundry East India goods as callicoos of severall sorts, silks of sundry kinds, pepper, spices etc., all sorts of brassery ware and iron ware, considerable quantities for building houses and their vessells as well as habberdashery of sundry sorts with cordage and sail duck, these goods are chiefly imported from London, Bristol or Liverpool. (3) The chief trade to forreign plantations are when our sloops to the northward meet with a freight to Curaçoa or St. Eustatia or when they load Indian corn from the Northern Colonies and carry there sometimes directly from this with onions, ducks and live cattle, in return whereof they bring sugars, rum, molasses, cocoa and cask, the produce of forreign Colonies, whereon a large duty being laid by the late Act of Parliament greatly prevents the importation. There is no trade from this to any part of Europe but to Great Britain except to Madeira for wine. (4) The Collector of H.M. Customs here has a searcher whose duty is to inspect and search every vessell coming to these Islands and the Acts of Trade are on all occasions strictly put in force, so that all possible care is taken to prevent frauds or collusive trade. (5) The natural produce are cedar trees, palmetto trees and some quarries of which they build and slate their houses, it's of such a soft quality that they saw it and hew it with axes, looks like congealed sand, observed the longer it stands the more hard it is, of the cedar trees they build their sloops which are esteemed the best in America for sailing and duration, of the palmetto tree leaf they lately manufactured a platting for womens hatts which proved of great use to the poor, of this commodity they some years agoe shipp'd so much to Great Britain that has produced from eight to ten thousand pounds sterlg. but the price is so much fallen of late that it's esteemed not worth the labour of making, whereby the poorer sort of inhabitants are reduced to great extremity. We may add to the improved produce onions, cabages, lemons, oranges and potatoes often sent to the other Colonies, some Indian corn for the use of the inhabitants, live cattle, plenty of ducks, turkeys and severall other sorts of poultry carryed to the Islands and sometimes produces good profit, but the whole produce is not sufficient to maintain the

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inhabitants ; for their breadkind they depend on Virginia Maryland Philidelphia and New York from whence they bring Indian corn, bread and flower. Add thereto the whale fishery of great benefit so well as plenty of other fish for the inhabitants' supply. (6) Mines, None. (7) The produce in shipping, platt, cabage, onions, live cattle, poultry and whale oil for sale was lately computed at £10,000 this money, or £7,500, sterling p. annum, but the platt trade intirely failing the annual produce is greatly reduced. (8) About 5,000 whites and 4,000 blacks. (9) The inhabitants of late have rather decreased by moving their familys to South and North Carolina, Virginia and Maryland but not to any great number. (10) Militia, about six hundred besides officers. (11) The King's Castle 29 guns mounted. Paget's Fort 14 ditto. Smiths Fort 7 ditto. Pembroke Fort 8 ditto. Southampton Fort 6 dos. Tuckers and Sandys Forts 6 dos. These are all placed on the sea coast with regular platforms except the King's Castle wherein are severall battlements well contrived and elevated one above the other and so fortified naturally that on occasion would serve for a safe retreat, besides which there is on the Island of St. George's where the town is, severall out batteries with two or three pieces of cannon in each situate near the Bays to hinder any invasion by boats and a battery of nine guns in the town of St. George open to the harbor chiefly used in Salutes and publick days, as p. the order of the Governor etc. All these fortifications have lately had a thorough repair at the great charge and expence of the inhabitants but in great want of powder and all other ammunition, having no supply since his late Majesty King William of Blessed memory, heartily desire your application for a supply ; the Forts are of no use in case of warr without powder and the inhabitants have been much oppressed in taxes in the repairing so they are not able to supply powder. They are at an annual expence of a guard at the Castle and Paget's Fort from whence they make proper signals when any vessells appear from Sea ; in time of war care has been always taken of giving proper alarms in case of any suspected invasion. (12) These are small islands dropt in the sea distant from North Carolina (which is the nighest land) 170 leagues. (13) Effect of French Settlements ; None in time of peace but in case of warr we may be in danger if the fortifications be not regularly supplied. (14) The Revenue consists of the duties following. A tax on all liquors imported amounting one year with another to £600 this money. Tonnage or powder money £45 p. ann. Rents of publick lands £120 p. ann. all which are appropriated for defraying the contingent charges of Government and keeping in repair the publick buildings. (15) The number of acres of land in each tribe or parish are *details given* :



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Total 11,542 acres. They are all cultivated and improved to the best advantage ; no quit rents ever paid for any of the sd. lands. (16) The chief and ordinary expence of the Government is the sallary of the Governor, repair of his house and other conveniencys, repairs of Sessions house, prison and the bridges, the Councillours' attendance on publick business, the Secretary and Clerk of the Council, the entertainment of the Judges of Assize, Attorney General, Clerk of Assembly, Provost Marshall, the guards to Castle and Forts, flags and pendants to the same, the Minister's sallary, Storekeeper's sallary, Captains in each fort for their care in keeping them in good order, gunners' sallarys, with the Governor's firewood and cellarage amounts annually near £800 this currency. (17) The establishment civil consists of twelve councilours appointed by H.M. who together with the Governor holds Councils once a month and Chancery Courts as occasion requires ; a General Assembly consisting of thirty six members etc. A Committee of Council and Assembly audites and passes all publick accounts of Government. There is next, the Court of Assize, Common pleas, King's bench, Oyer and Terminer and General Gaol delivery consisting of one Chief Judge and two assisting Judges who hold the said Courts once every six months, from whose sentence appeals to Governor and Council as Court of Chancery are admitted and allowed, and from them appeals home to H.M. in Council. 2dly a Chief Barron and two assistant Barrons of Exchequer, a Judge and Assistant Judge of Admiralty, from whose sentence no appeal but directly to Great Britain. Justices of Peace to each parish or tribe who regularly hold the Quarter Sessions and proceed conformable to the statutes of Great Britain, a Coroner chose and elected by the voice and vote of the inhabitants. The Secretary and Provost Marshall holds by Patent from the Crown, both offices invested in one person. Collector of H.M. Customs by order of the Lords of the Treasury appointed by warrant from the Commissrs. of Customs in London. A Naval office which has hitherto been annexed to the Governor, and the person appointed is approved by the Commissioners as above, a Treasurer or Treasurers of the different taxes appointed by Govr., Council and Assembly, as also Collector of Powder money and rent of publick lands. Military establishments, H.M. Independent Company consisting of forty nine private men, the command whereof has hitherto been annexed to the Government and at the expence of H.M. A regiment of the Militia for fort service consisting of nine companys circa 600 private men, one Colo., one Lieut. Colo., one Major, nine Captains, nine Lieuts. and nine ensigns. As also a troop of horse consisting of 80 private troopers, a Colo, Lieut Colo, Major, Capt., Lieut and two brigadeers. Besides

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there is a Capt. and Lieut. to each Castle and Fort. *Signed*, John Pitt. *Endorsed*, Recd. 24th July, 1735.  $7\frac{1}{8}$  pp.

579. ii. Treasurer's Account of Revenue from Liquor tax, Bermuda, Nov. 1732-1734. *Total*, £915 2s. 11d. *Expenditure*, £919 3s.  $2\frac{1}{2}$ d. Audited by Committee of Council, Nov. 6, 1734. Sworn to by, Nathaniel Bullafield, Collector of the Liquor tax. Copy, certified by Richard Tucker, Depty. Sec. *Endorsed as preceding*. 11 pp. [C.O. 37, 12, ff. 171, 172-175 v., 176 v., 177 v., 178 v.-183 v., 184 v.]

May 29.  
Whitehall.

**580.** Duke of Newcastle to the Council of Trade and Plantations. *Encloses following*. Copies of such papers therein mentioned as are in their Office are to be laid before the House next session. *Signed*, Holles Newcastle. *Endorsed*, Recd. 3rd, Read 10th June, 1735.  $\frac{3}{4}$  p. *Enclosed*,

580. i. Address of the House of Commons, 19th May, 1735, that H.M. will be graciously pleased to give directions to the proper officer or officers to prepare copies, in order to be laid before this House next session, of the representations, memorials or petitions made to His late or present Majesty, or to his principal Secretaries of State, Commissioners of the Admiralty or for Trade and Plantations *etc.* since 25th March, 1725, which have not already been laid before this House, relating to any losses sustained by H.M. subjects by depredations committed by the Spaniards in Europe or America; together with copies or extracts of any letters from any of the British Governors in America, consuls in Europe, or any Commanders in Chief or Captains of H.M. ships of war, *to the same*; and also copies of extracts of all letters written and instructions given by the Secretaries of State, or Commissioners of the Admiralty *etc.* to any of the Governours of the British Plantations or any Commanders in Chief or Captains of H.M. ships of war, which have not already been laid before this House, relating to the said losses *etc.* *Copy*.  $1\frac{1}{2}$  pp. [C.O. 323, 10. ff. 23, 24, 24 v., 26 v.]

May 29.

**581.** Duke of Newcastle to the Council of Trade and Plantations. *Encloses following*. Copies of the several papers *etc.* desired are to be laid before the House next session *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd. 3rd, Read 10th June, 1735. 1 p. *Enclosed*,

581. i. Address of the House of Commons, May 9, 1735, that an account may be prepared, in order to be laid before this House the next Session of Parliament, of the amount of the money which has been raised in the Islands of Jamaica and Barbados, and in the Leeward Islands, by any duties or impositions on the importation or exportation of negroes, wines, or any other goods or



1735. [581 i.]

merchandize, or by any other taxes payable by, or collected upon, the inhabitants of the said Islands, for ten years last past, distinguishing each year and each Island.

581. ii. Address of the House of Commons, 12th May, 1735, that copies be laid before the House the next Session of Parliament of the several Representations of the Commissioners for Trade and Plantations to his late or present Majesty and of the letters written or other representations made by them to the principal Secretaries of State, since the twenty fifth day of March 1715, relating to the State and condition of any of the British Colonies in America, or in relation to their trade and commerce, and of the danger the said Colonies have been or are apprehended to be in from the growing power of the French in America. *Also an account* of what Laws were in force in any of H.M. Colonies in America on the 25th day of March 1731, and what Laws have been since passed in any of them, by which any duties or impositions are laid on the trade or shipping of this Kingdom, distinguishing the Colonies, and of what steps have been taken, and the proceedings which have been had by the Commissioners for Trade and Plantations for H.M. disapprobation of any of the said laws, and of which of them, distinguishing for what terms of years such laws were passed, and which of them have had H.M. disapprobation; and also of what steps have been taken or orders and directions given, since the said twenty fifth day of March, to any, and which of the Governors of the said Colonies and Plantations, relating to any laws which have had H.M. disapprobation, and to the giving their assent to any law laying any duties or impositions on the trade and shipping of this Kingdom for the future. *Also an account* of what duties or impositions are now payable by any Act or Acts of Assembly in any of the British Colonies and Plantations in America on the importation and exportation of negroes, wines, or other kind of liquors, or on any goods, wares or merchandise and shipping, distinguishing each duty or imposition, and each Colony and Plantation.  $3\frac{1}{2}$  pp. [C.O. 323, 10. ff. 17, 18–20, 22 v.; and (*enclosures only*) 5, 5. ff. 126, 126 v., 128.]

June 3. **582.** Mr. Coope to the Duke of Newcastle. I beg to forward enclosed, as instructed by Govr. Mathew. As it relates to the piracys the Spaniards do still infect us with in those parts, I doubt not but your grace will do everything for our protection. *Signed*, Ri. Coope. *Without enclosure or endorsement.* 1 p. [C.O. 152, 44. f. 31.]

June 5. **583.** Copy of A. Wheelock's Patent. (v. 30th April) [C.O. Westminster. 324, 49. pp. 124, 125].

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June 5.  
Whitehall.

**584.** Council of Trade and Plantations to Committee of Privy Council. Pursuant to Order of 10th May, enclose following.

584. i. Draft of H.M. Additional Instructions to Governor Cunningham. A memorial having been presented unto us by you Our Governor, praying that in regard to the present distressed circumstances of that Island, the Legislature thereof may be restored to the liberty of laying a small duty on the import and export of negroes, till they shall be in a condition by other methods to raise the necessary supplies for the exigencies of that Government, and the support of Our Forces order'd thither for the protection of Our said Island ; We have taken the same into Our royal consideration together with the report of the Lords of the Committee of Our Council, and of Our Commissioners for Trade and Plantations thereupon, and have thought fit to declare Our Royal Will and Pleasure, that in regard to the present circumstances of Our said Island, the Instructions given to Robert Hunter Esqr. the late Governor of Jamaica, on the 10th of December 1731, and now given to you directing you not to give your assent to any law imposing duties upon slaves imported into Jamaica, payable by the importe, or upon any slaves exported that have not been sold in our said Island, and continued there for the space of twelve months, be dispens'd with, and we do hereby empower you during the present exigencies of that Our Island, to give your assent to an Act for laying a reasonable duty upon negroes purchas'd in Our said Island, to be paid by the purchaser ; provided the said duty be laid in such manner, that there shall not be more paid for the negroes which shall be purchas'd by the South Sea Company, than for those which shall be purchas'd by the inhabitants of Our said Island. [C.O. 138, 18. pp. 15-17.]

June 5.  
Whitehall.

**585.** Council of Trade and Plantations to the Committee of the Privy Council. Pursuant to your Lordships' order of the 16th day of April 1733, we have examined the petition of John Rindge, of the Province of New Hampshire in America, Esqr., complaining in behalf of the inhabitants of that Province, of great encroachments upon their lands, and other oppressions which they have suffered from the people of the Massachusetts Bay, both in matters of property and government, for want of fixed and known boundaries betwixt the said Provinces, which the people of New Hampshire have in vain used their best endeavours to settle in conjunction with those of the Massachusetts Bay ; wherefore he most humbly prays H.M. to declare and ascertain the several boundaries of the Province of New Hampshire, and to afford his oppressed subjects of that Province such relief in the premisses as to H.M. in his great wisdom and justice shall seem meet. We thought proper to communicate a copy of this petition, and of



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eight others upon the same subject from the inhabitants of the several countries of New Hampshire, to Mr. Wilks, Agent for the Province of the Massachusetts Bay, who having taken time to transmit the same to his principals, did on the 14th day of February 173 $\frac{3}{4}$ , lay before us a memorial in relation to his submitting the determination of the boundaries between the Provinces of the Massachusetts Bay and New Hampshire to such Commissioners as should be appointed by this Board: But his memorial not containing so full a submission of the determination which we should make upon this matter as Mr. Wilks had before promised, he desired leave to withdraw the same, in order to lay another before us which should be more to our satisfaction; and agreeable to this we received the next day a letter from Mr. Wilks in the following words. *Quoted. Continue*:—A copy of this letter having been communicated to the petitioner Mr. Rindge; we received the day following a 2nd petition on his behalf from his solicitor Mr. Paris, setting forth that he has nothing to object against Commissioners being authorised to set out the boundaries betwixt the two Provinces; but that he was under a necessity of representing to us that the question which had been so long depending was, at what place the south boundary of New Hampshire, or which is the same thing, the northern boundary of the Massachusetts Bay, in that part which bounds to the So. ward on Newhampshire shall begin; or what course it shall run. That this question must receive its determination from the true and legal construction of the Charter granted to the Massachusetts Bay, and may not therefore be proper for the determination of meer surveyors or mathematicians in America, but may be proper for H.M. own royal determination here, with the advice of His Privy Council; which being once done and the place of beginning the bound lines and likewise the course they are to run being fixed, the matter would then be clear, and H.M. Commissioners would have very little trouble or difficulty in running the lines; wherefore he humbly prayed us to hear all parties by their Counsel, upon the questions where the boundary lines ought to begin, and what course they ought to run. Hereupon we thought proper for our better information in a matter of this consequence, to communicate to H.M. Attorney and Solicitor General, a copy of the Charter granted by their late Majestys King William and Queen Mary to the Province of the Massachusetts Bay in 1691, and desired their opinion *from what point of Merrimaek River the dividing line between the Provinces of the Massachusetts Bay and New Hampshire ought to begin, according to the intent and meaning of the said Charter*. In answer to this query the Attorney and Solicitor General have acquainted us by their report dated the 19th day of March last, that they have been several times attended by the Council and Agents of both Provinces. That the Council for New Hampshire offered several arguments to prove that the said dividing line ought to be taken from three miles north of the mouth of Merrimack River. That the Council for the Massachusetts Bay would not say what it was that they insisted on, or give any answers to what had been

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urged by the Counsel on the other side, but declared that in their opinion the question which was proposed to the Attorney and Solicitor General by this Board would not determine the matters in dispute; and that therefore they thought it unnecessary to say any thing upon it. That whether this be so or not they are not able to judge; but as to the question referred to them, they are of opinion, That the dividing line between the Province of New Hampshire and the Province of the Massachusetts Bay is to be taken according to the intent of the Charter of William and Mary from three miles north of the mouth of Merrimack River where it runs into the Atlantick Ocean. Since this report we have been again attended by the Solicitor for the petitioner and the Agent for the Massachusetts Bay, and have heard what either side had to offer by their Counsel upon this occasion; and upon the whole we take leave to offer our opinion to your Lordships, that H.M. should be graciously pleased to appoint and authorise Commissioners to be chosen from out of the neighbouring Provinces of America, to meet within a limited time, and mark out the dividing line between the said Provinces of the Massachusetts Bay and New Hampshire: and we shall take care copies of the above said opinion be given to each of the said parties for the information of the Commissioners, in case any doubts should arise amongst them upon the construction of the said Charter granted by K. William and Q. Mary to the Province of the Massachusetts Bay. [C.O. 5, 917. pp. 117-123.]

June.  $\frac{6}{17}$ .  
Hanover.

**586.** Lord Harrington to the Council of Trade and Plantations. *Encloses* following received from Mr. Walpole, H.M. Ambassador and Plenipotentiary at the Hague in answer to their Representations, which had been put into his hands, and extracts from letters concerning the new prohibitions and the 10 p.c. laid upon goods at Stockholm *etc.* Signed, Harrington. *Endorsed*, Recd. 16th, Read 19th June, 1735. 2 pp. *Enclosed*,

586. i. Mr. Walpole to Lord Harrington. Hague. May 20 N.S., 1735. He put the papers sent him relating to the Treaty of Neutrality lately concluded for the French and Dutch inhabitants of St. Martin into the Graffier's hands, who was then a stranger to that matter. *Continues*: The Graffier has since communicated ye said papers to the Pensionary of Amsterdam to be laid before the West India Company who, it seems, have the principal direction of the American Colonies *etc.* He now informs me that the Directors of the said Company have communicated to him the several extracts of the Register of their proceedings (*enclosed*), as containing all that had yet come to their knowledge *etc.* M. Bassecour assures me, that as they have not yet taken any step upon [*the Treaty*], I need not apprehend their recommending it to the States General to be certified; and indeed the answer, which your Lordship sees, they returned to the Governor of St. Eustache, who appears to have desired to make a like treaty by the inhabitants of that Colony,



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seems to confirm the assurances M. Bassecour has given me *etc.* *Signed*, H. Walpole. *Endorsed as preceding.* *Copy.* 2½ pp. *Enclosed*,

586. ii. Extract from letter from Governor and Council of St. Martin to the Directors of the Dutch West India Company. 18th Aug., 1734. Enclose treaty made with the Governor of Martinique (*v.* C.S.P. 20th Nov. 1734) for ratification by them and the States General *etc.* *Signed*, Jacobus Barri and 5 others. *French translation.* 1¾ pp.

586. iii. Extract from Register of Resolutions by the Directors of the Dutch West India Company, 11th Oct. 1734. Having considered the request of the inhabitants of St. Eustatius, presented to their Governor, for a treaty of neutrality in the case of a rupture between the Republic and France, the Directors, since the Republic is at present at peace and on terms of friendship with France, do not see that the inhabitants of St. Eustatius have any reason for anxiety *etc.* They will warn them of any change of the situation in Europe, and instruct them in the mean time to leave things as they are *etc.* *Signed*, Richard Karsseboom. *Endorsed*, Recd. 16th, Read 19th June, 1735. *French translation.* 1¼ pp.

586. iv. Extract from Register of Resolutions by the Directors of the Dutch West India Company. Oct. 11, 1734. The letter from the Governor and Council of St. Martin (No. ii.) was entered for reference (*prendre pour notification*). *Signed and endorsed as preceding.* *French translation.* ¾ p. [C.O. 152, 21. ff. 42–46, 50, 50 v., 51 v.]

June 7.  
Boston.

**587.** Governor Belcher to the Duke of Newcastle. *Repeats* his request (Jan. 9) for a gift of hemp-seed for the Province as "the people are mightily spirited to go upon it." *P.S.—* *Encloses* Journal of the House of Representatives to the dissolution of the last Assembly. *Signed*, J. Belcher. *Endorsed*, R. 20th July. 3 pp. [C.O. 5, 899. ff. 134–135 v.]

June 7.  
Kensington.

**588.** H.M. Warrant for appointing James Gordon Chief Justice of St. Christophers in the room of Jeremiah Brown. *Countersigned*, Holles Newcastle. [C.O. 324, 36, 50. pp. 45, 46, 506, 507].

June 9.  
Boston.

**589.** Governor Belcher to the Duke of Newcastle. "The last month I went to my other Government of New Hampshire, and held an Assembly of three weeks. Will transmit account of what passed therein as soon as received from the Secretary. *Continues* : The 28th of last month I conven'd a new Assembly of this Province, and now inclose to your Grace their journal so far as they have proceeded ; and I hope they will give proofs of their duty and loyalty to H.M., and love to their country in giving the best dispatch to all the publick affairs. I have now the honour to cover to your Grace a bill pass'd by the House of Representatives, and by H.M. Council the 7th currant of £3000 for my

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support, which indeed ought at this day to be more than £5000 of their wretched bills of credit, to comport with H.M. royal Instruction, and which your Grace will see I have mention'd to them in my speech, but to little purpose ; and £3000 in their bills is now come to be less than £600 sterling ; and unless, my Lord Duke, they are obliged to issue their bills, for the future, on a foundation of silver or gold, they will in a little time become like blank paper. I now again humbly ask the favour of your Grace, that I may obtain the royal leave for giving my assent to this bill : and I would humbly crave of your grace that the leave may be general for the future, which would save me from spending my salary a year before I can recieve, as well as from suffering by the continual sinking of the value of the bills in which they pay me, and from many other hardships I am loth to trouble your Grace with *etc.* Signed, J. Belcher. 4 pp. Enclosed,

589. i. Copy of Act of the Massachusetts Bay for granting £3000 for the support of H.M. Governor. June 7, 1735. 1 p. [C.O. 5, 899. ff. 136-138).

June 10.  
Council  
Chamber.  
Whitehall.

**590.** Minutes of the Committee of the Privy Council for Plantation Affairs. The Lords of the Crown this day took into consideration the state of the British Islands and Colonys in America, and being attended thereupon by the Lords Commrs. for Trade and Plantations, the Committee recommended to them to draw out with all expedition a particular state of each of the said islands and colonys, and also to cause an abstract to be made of all the papers relating thereto, which were moved for in the Address of the House of Commons of 12th May last, and lay the same before this Committee together with their opinion thereupon ; and the said Lords Commrs. were desired to begin first with the Island of Jamaica, and to lay a state thereof before this Committee on Wednesday next at 11 o'clock. The heads of the Committee took into their consideration a draught of an Instruction prepared by the Lords Commrs. for Trade for Henry Cunningham, Govr. of Jamaica to dispense with an Instruction given to the late Govr. 10th Dec., 1731, whereby he was restrained from passing any law imposing dutys upon slaves imported into that island payable by the importer, and to empower Govr. Cunningham, during the present exigencys of that island to lay a reasonable duty on negros purchased in the said Island to be paid by the purchaser ; provided the said duty be laid in such manner that there shall be no more paid for the negros which shall be purchased by the inhabitants of the island ; and the lords of the Committee agreed to lay the sd. draught of Instruction before the Queen as proper for her approbation. They also took into their consideration a memorial presented by the sd. Govr. praying that directions may be given for supplying the troops lately sent to Jamaica with salt provisions, and heard Mr. Cunningham thereupon, and finding that the sd. troops do receive an additional pay from the inhabitants of the said island over and above the pay allowed them by Gt. Britain ; their lops. agreed to report to H.M. as their opinion, that it is not reasonable there should be any



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farther additional allowance made to the sd. troops on account of provisions by Great Britain, but that the Council and Assembly of Jamaica may in lieu of the additional pay granted by the sd. island furnish such provisions to all the said troops or such a part of them as shall be actually upon duty, according as they shall judge necessary and proper *etc.* Upon that part of Govr. Cunningham's memorial praying for a supply of stores and tools *etc.*, their Lordships thought proper to order that the Board of Ordnance should prepare an estimate of the charge of the sd. stores and implements, distinguishing the value of the small arms and powder from the other stores, the same being to be paid for by the sd. Island. 2 $\frac{3}{4}$  pp. [C.O. 5, 36. ff. 34-35].

June 10.  
New York.

**591.** Governor Cosby to the Council of Trade and Plantations. With this I do myself the honour to transmit to your Lordships the Acts of Assembly pass'd att New York the last year whereon I shall make such remarks as will lett your Lordships into the reasons for the Council and Assembly's passing them and for my giving my assent to them, and that I may avoid repetition as much as possible I will consider all those together that have any connection or dependance on each other. No. 1. An Act to lay a duty of tonnage on the vessells and for the time therein mentioned. 7. An Act for fortifying the City of Albany and Schenectady and other places in the County of Albany. 11. An Act to lay a duty on the goods and a tax on ye slaves therein mention'd during the time and for the uses mentioned in the same. 12. An Act to prolong the duty of tonnage *etc.* 13. An Act to strike and make current, bills of credit to the value of twelve thousand pounds on the funds and for ye uses therein mentioned. 14. An Act to appoint and empower Commissioners for erecting fortifications in this Colony att the several places therein mentioned. All these principally relate to one and the same thing vizt. the putting the Province in a posture of defence. Your Lordships very well know that this Province is a barrier to the Southwards against Canada and as such ought att all times to be well fortified for their defence as well as our own, wherein the Crown has thought it reasonable that they should be att some part of the expence; however, as those gracious intentions have not hitherto had the intended effect, the people of this Province have chose rather to perswade themselves into an opinion of their security from their own poverty and the weakness of their neighbours of Canada then att their own expence to make proper fortifications for their defence, but as the posture of affairs in Europe appeared to us att this distance to threaten a rupture with France, I laid hold of the people's apprehensions to engage them to build those fortifications both on our frontiers towards Canada, and in the town of New York which lay exposed to the insults of a few ships, there being nothing to hinder them from entering the harbour and takeing or destroying our vessells and burning the town; I flatter myself, my Lords, that H.M. upon your Lordships' representation will be graciously pleased to think favourably of what I have done, for I am confident there is no way so effectual to recommend me to His Grace and favour as

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this which is intirely agreeable to his paternal tenderness and care of his subjects, this work so highly necessary yet met with many rubs, the poverty of the country was strongly urged and the difficulty of finding such funds as were likely to go down with a majority of the House and would answer the end too, was not easily got over, nor was I without some struggle with myself brought to submit to the strikeing of paper money, however as I conceived the work to be of the highest importance to H.M. in the preservation and defence of His Province and as there was no possibility of raising the money in a shorter time then is given to the bills of credit, as the sum to be struck is but small, that if in the meantime a rupture with France should ensue, this and the neighbouring Provinces would lye open to the attacks of the enemy I prevailed with myself to give my assent to those bills hoping for H.M. pardon on your Lordships' representation, which I the more confidently ask as I do with the utmost truth assure you that I have in this whole affair thrown by all considerations of my private interest; upon a thorough deliberation therefore I presume to hope your Lordships will recommend these Acts to H.M. for his royal approbation. No. 2. *An Act for granting to the people called Quakers residing within this Colony the same privileges, benefitts and indulgencies as by the laws and statutes now remaining of force in that part of Great Britain called England the people of that denomination are intituled unto within those dominions.* Under the former Acts of Assembly the Quakers could not vote for Assembly men without taking an oath; it's certain they are not the most tractable people where they are numerous as in one or two Counties they are. 3. *An Act to prevent small stallions from running att large in the Colony of New York and to geld such as shall be under the size therein mentioned.* This Act is intended to mend the breed of horses in their size, for att present they are small and will be smaller still unless care be taken. 4. *An Act for regulating the ruts of waggons in Duches County,* one or two counties in the Province having formerly obtain'd Acts of Assembly to make their waggons of a larger and equal size and this County having observed the benefitt the people have had by it are desirous to tread in their steps. 5. *An Act for regulating the choice of a representative for the manor of Courtland in the County of Westchester.* The reason of this bill appears in the body of it, the King by his grant gave Courtland ye privilege of haveing an Assembly man for his mannor but as there were no directions in the grant how the choice should be made this Act supplys that defect. 6. *An Act for the better explaining and more effectual putting in execution the Act of General Assembly therein mentioned;* proper houses for holding courts in the counties and good prisons are necessary buildings, in this county; they wanted both and the Act recited in this not being sufficient to answer the end this was passed to make it effectual. 8. *An Act for regulating the rates to be taken for ships and other vessells using the way called Burnets Key in the City of New York.* The owners of this wherof having att a great charge carry'd it a considerable way into the water whereby almost any of our



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vessells can carrear there with more ease and less expence both of money and time than they used to do by hulks when rideing att anchor in the river are desirous to have the rates which the merchants have hitherto voluntarily paid them settled by a law. 9. An Act for naturalizing Abraham Housman, John Groudain, Jacob Boss, Frederick Beeker, Johanis Wedderlin, Conrode Brightmior, Johannes Spater, Zacharias Huber, Peter Crutter and Johannes Vanwyck. 1. An Act for discharging a certain obligation enter'd into by Cornelius Cuyler of the City of Albany, merchant, to the Treasurer. Neither of these acts want anything more to be said of them than that the first encourages the people of the country, the last explains itself. 15. An Act for the partition and division of a certain tract of land in Dutchess County granted to Sampson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter Faucounier, Augustine Graham, Richard Sackett and Robert Lurting. The Acts of Assembly that have been heretofore passed in this Province for the partition of lands, especially the last general act that was made in Mr. Burnett's time having not guarded against the encroachments which the grantees might make on the Crown lands or other contiguous grants, and being in other respects to loosely worded or giving to much room for fraud or surprise, the persons who petitioned for this Act having nothing in view but a fair and equitable partition, have in this shunned those causes of objection which proved the fate of that and have conceived it in terms altogether agreeable to justice and the circumstances of the Province, hoping only for an honest and necessary aid to enable them to divide their lands that they may be thereby impower'd to pursue the end and intention of the grant in peopling and cultivating the Province; and I own that I find so much justice in it that if I had no other reason to induce me I should very frankly give them my utmost assistance; but, my Lords, there are others that weigh very much with me, the fate of the Act pass'd in Mr. Burnett's time has been a principal cause not only that people have not come from abroad to settle among us but has likewise drove many of our own people to the neighbouring Colonies, for tho some hardy men have ventured without a partition to settle some parts of the undivided lands in the country, yet those are but few, and the rest more cautious have chose rather to neglect a present advantage then rashly to engage in a thing that in the end will involve them in expensive law suits and lasting trouble. This Province is the frontiers to the other Provinces against Canada and as such the peopling of it ought I think to be encourag'd, nor is there a more effectual way to do it than by enabling the proprietors to divide their lands in the manners prescribed by this Act, I see no inconvenience in it either to the Crown or to the subject but many present and great advantages to the publick from the settlements that will be made in consequence of partitions, especialy of those tracts of land that lye between Albany and New York, of which this is one, among other advantages this being one that we shall keep our own young people from going to the other Colonies, for they are very unwillingly brought to settle the frontiers;

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as for the extreame part of the Province beyond Albany where there are large tracts still in the grant of the Crown other methods are to be taken for the settling them and we have already fallen upon a scheme that I think will fully answer the end, which is to give grants gratis (all the offices concerned have consented to it) of 100,000 acres of land clear of all charges but the quit rent, in 200 acres to a family to the first 500 protestant families that come hither from Europe on that encouragement and I have already caused advertizements with the advice and consent of Council to be printed and sent to several parts of Europe. Upon the whole, my Lords, whether you consider the common strength and wealth of the country, the increase of trade or the justice and equity of this Act, I perswade myself you will think with me that it is highly reasonable and necessary to be passed into a law, and I hope from your Lordships' goodness and care of the Provinces, for your recommendation of it to H.M. for his royal approbation.

16. *An Act to lay a duty on empty casks imported into the City of New York during the time therein mentioned.* The preamble of this act setteth forth the reasons for the passing it and they are very true. 17. *An Act for the further continuing an Act intituled an Act to lett to farm the Excise of strong liquors retailed in this Colony for the time therein mentioned and for declaring shrub lyable to the same duties as distill'd liquors.* This Act being that fund for sinking the paper money formerly struck here and being the same as has been annually passed for several years, I need make no further remarks on it. 18. *An Act to prevent desertion from H.M. forces in New York.* 19. *An Act for the further continuance of an Act intituled an Act for settling and regulating the militia in this Province, and making the same usefull for the security and defence thereof and for repealing all other acts relating to the same, likewise the several Acts whereby the same has been revived and continued.* These two Acts carrying their reason with them I will not give your Lordships the trouble of any observations on them *etc.* *Continues:* The Attorney General of this Province having filed a bill in ye Court of Chancery against the patentees of a patent granted by Collo. Montgomerie for some lands in this Province in order to make the same void, being as the bills suggests obtained by fraud and surprize, and having served those dependants who live in this Province with supeenas to appear and answer, several of them instead of answering have given in exceptions under their hands to the constitution and jurisdiction of the Court, your Lordships well know that the Court of Chancery has been often attacked and warmly voted against by the Assemblys of this Province, and its authority as often asserted by H.M. Governors and Council, and the Governors countenanced and protected by your Lordships' board; but this is the first time that any private persons have ventured to question it, and since former Governors have withstood the resolves of the Assemblys and have been justify'd in it, I should be unexcusable if upon a weaker assault I should give up the King's authority, nor do I despair of the like protection that my predecessors have reced; I assure your Lordships I am not att



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all fond of haveing any suits brought before me in that Court and this is the onely one that has been commenced in my time, but when the Attorney Generall for the King or others for the releif of their clients think it necessary to do it I dare not deny them, I am surprised indeed and I beleive your Lordships will think it very extraordinary that three of H.M. Council, and they, to, three of those Councillors who warmly censured the resolves of the Assembly against the legality of the Court of Chancery in 1727 should sign these exceptions against the same Court, nor are they content with that but openly and avowedly declare their opinions against the King's authority to establish Courts of Equity in the Plantations, a doctrine very opposite to the opinions which I have seen under H.M. Attorney and Solicitor General of England, and to the opinion of your Lordships' board signify'd in a letter to Collo. Hunter of the 12th of June 1712. My Lords, I am to act in matters of moment (and there can be none of greater moment than those wherein H.M. prerogative is concerned) by and with the advice and consent of Council. What advice or what consent I am like to have from such men *your Lordships will readily guess, there are many things that I dare not, I cannot do without the advice of the Council, and yet if I follow such advice as these men will give me, I may be more criminal; I have no ways therefore to do my duty with my preservation of my honour but to leave it to your Lordships' judgment whether they are fitt to sitt in H.M. Council here or not.* I have formerly acquainted your Lordships *that a majority of the Council have declared that they could not sit att that Board with Mr. Vandam* after the open and *scandalous aspersions* he has thrown upon them in *printed libels* and papers industriously disposed in the Province, and recommended Mr. Paul Richards, merchant of this town of good estate and credditt, to be appointed in his room, this I also submitt to your Lordships' judgments. I do myself the honour to inclose to your Lordships a copy of the exceptions against the Constitution of the Court of Chancery, which by order of the Court on the motion of the Attorney Generall comeing on to be heard the 5th instant, Mr. Horsmonden, one of the Council for the King in this cause, open'd the nature of the bill and pray'd to have the exceptions read, which being done he stood up to argue that point but I would not suffer either the Council for the King or for the defendants to speak to it, telling them that those exceptions were of so extraordinary a nature that I could have no argument upon them, that I was fully sattisfied in my own judgment of H.M. undoubted right to erect Courts of Equity in his Plantations and that I was not singular in my opinion. I order'd the inclosed extract of minutes of Council to be read, and then dismissed the exceptions, ordering the defendants to answer by a certain day, and I have the sattisfaction to understand that my determination is universally approved of by all but the defendants. I shall go shortly to Amboy to hold the Assembly of that Province where I shall meet with some difficulty to get a sufficient number of Councillors together to make a Council. If those I recommended to your Lordships to be appointed for that purpose have your Lordships' approbation, I intreat you to

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recommend them to H.M. that I may receive their appointments as soon as possible for the reasons here mentioned. I likewise do myself the honour to send your Lordships Mr. Kenedy's account of the Quit rents from ye 29th of Sept. 1733 to the 29th of Sept. 1734. *Signed* W. Cosby. *Endorsed*, Recd. 12th, Read 14th Aug., 1735. 9 pp. *Enclosed*,

591. 1. Exceptions offered against the constitution of the Court of Chancery in New York. The signatures do not acknowledge any legal authority in Governor Cosby to call them in question and to give any relief in Equity upon the bill filed against them by Richard Bradley, Attorney General. *Quote* Acts of New York, 1683, *to settle Courts of Justice etc.*, and act of 1691 for *establishing Courts*, enacting that the Governor and Council should be and hold a Court of Chancery. After the determination of four temporary acts 1692-1697, no other Court of Equity ought to have been held in the Province but by the authority and pursuant to the directions of the said perpetual law of 1683, with a further legislative act to warrant the same *etc.* *Signed*, Benjamin Birdsill, John Thomas, James Alexander, Cadwallader Colden, Abraham Van Horn, Isaac Hicks, William Smith, Jacobus Bruyn, Vincent Matthews, William Forster. *Endorsed as covering letter.* 67 pp.

591. ii. Account of H.M. Quit-rents for New York, 29th Sept. 1733-1734. £444 10s. 2½d. Paid, £514 7s. 10½d., (salaries and incidental charges). *Totals*: Receipts, value in Proclamation money, *Audited by*, Geo. Clarke, *sworn to by*, Archibald Kennedy, Receiver General. *Same endorsement.* 4 pp. [C.O. 5, 1057. ff 96-100; 100, 101 v. (abstract), 103 v., 104-170 recto only; 170 v, 171 v., 172, 173-174]

June 10.  
Albrohatch.

592. Mr. Bladen to the Duke of Newcastle. The enclos'd papers wou'd have reach'd you sooner if I had had the good fortune to have met with your Grace last week at your Office; they contain an answer to the questions you was pleas'd to ask me, vizt. what was necessary to be done in the Plantations? and where we shou'd begin? One of them is intituled Reasons for the immediate peopling of Nova Scotia, and the other chalks out a method for beginning that necessary work. Let me intreat your Grace to take the trouble of reading them, and I will wait on you to-morrow morning, to receive your further commands upon this subject. *Signed*, M. Bladen. 1 p. *Enclosed*,

592. 1. *Reasons for peopling of Nova Scotia.* It is obvious to every man who considers the nature of our Constitution, that enlargement of territory in Europe is neither agreeable to our interest, nor to our inclinations. That nature has set us boundaries in this quarter of the globe, which we never transgress without great inconvenience, that our most glorious exploits have ever been burthensome to the people, and our fairest conquests of very short



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duration. But to make amends she has given us the four seas to command, the wide ocean to range in, and a new world to try our industry. And if the British Dominions on the Continent of America were well peopled, and wisely govern'd, we might soon raise a far nobler Empire there, than the greatest success of our arms, or the deepest penetration of our Councils cou'd possibly acquire us elsewhere. For tho' our Colonies have not hitherto any mines of gold or silver to boast of, yet the consequences of their trade under proper regulations would afford this Kingdom more solid advantages both in wealth and power, than the Spaniards reap from their Kingdoms of Mexico and Peru. The extent of the British Dominions upon the sea coast, from the mouth of the River Alatameha in Carolina to that of St. Lawrence northward is a compass of near 1500 miles. Few Princes in the world have so large and valuable a territory, or so fair a field for exercising all the arts of trade and Government; for making the poor and needy usefull to the publick; for enlarging our commerce, and navigation; for rendring us independent of the Northern Powers for every species of naval stores; for encreasing the publick revenues; and for adding considerably to the civil List. But to our reproach it must be confess'd, that this noble patrimony has in all times been too much neglected; and that the advantages we at present reap from thence, which are still capable of very great improvements, are rather owing to Providence or to the risque and industry of private adventurers than to any encouragement either from the Crown or from the Legislature. And as matters have gone on in this way for many generations, the blame is rather to be imputed to our ancestors, who have set us this careless example, than to those who have follow'd it; but it is not yet too late to amend; and when can we hope for amendment but under the reign of so auspicious a Prince, as now sits upon the British throne, and from the conduct of an administration so zealously inclined to employ their great abilitys for the service of their King, and for the welfare of their country. But to enter into the general acconomy of the trade and government of the British Plantations would be too copious a theme for the compass of this paper; they may be the subject of a future dissertation. For the present I propose to confine my thoughts to some considerations only upon the present state of Nova Scotia, which seems to require our more immediate attention. This Province was conquered by Genl. Nicholson in 1712 and afterwards surrender'd to Great Britain by the Treaty of Utrecht in the year 1713, with all its ancient limits and dependencies; the Crown has been at the expence of keeping

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a regiment in it ever since, to maintain our possession ; for we have no civil inhabitants there, except about 3000 French papists, who have remain'd in Nova Scotia, ever since the Treaty of Utrecht ; and some few, very few English Protestants, whom the advantage of the fishing at Canso has occasionally drawn hither, and who can hardly be call'd settled inhabitants. But it is of very great consequence to the British interest, that this Province should be settled without loss of time, for the following reasons. The coast of Nova Scotia affords a much better fishery than that of Newfoundland ; the soil is capable of producing naval stores of most kinds in great plenty and all the necessarys of life, and it is now almost the only part of America where a lasting provision of timber can be secur'd for the service of the Royal Navy. This Province is our Northern frontier, on the Continent of America ; and if it was well settled might prove of great security to the rest of our Northern Colonies. But if this county be not settled, upon the first rupture with France it will certainly be lost, being hemm'd in on two sides by the French Settlements, where the greatest strength of that nation lyes. Cape Breton and all the other Islands in the mouth of the river of St. Lawrence, and in the gulph of the same name, were by the 13th Article of the Treaty of Utrecht reserv'd to the French, tho' most of these Islands were heretofore included in the antient boundarys of Nova Scotia. By this reservation, our peacemakers have given us a very troublesome neighbourhood ; for the French have planted and well fortified Cape Breton, and Lisle Madam formerly call'd the Island of St. John tho' the first of them is only a barren rock, being well aware how much it imports every wise nation to be strong in the extreem parts of their Dominions. And these two Islands do not only lye contiguous to the mainland of Nova Scotia, but do in great measure flank the coast from the Gut of Canso to the Island of Anticosta in the mouth of the River St. Lawrence, where Canada begins and flanks another side of this Province. Nor are these the only quarters from whence we have reason to be apprehensive of danger, for it has already been observ'd, that there are about 3000 French inhabitants now remaining in the heart of Nova Scotia, who have but very lately, and with great difficulty been prevail'd upon to take the oaths of allegiance to the Crown of Great Britain, and who still profess the Roman Catholick religion, the free exercise whereof they are entitl'd to by the Treaty of Utrecht. Tis very probable these people might in case of a rupture, obtain dispensation for renouncing their new allegiance and joyn with their countrymen to reconquer this Province for the Crown of France. That the French



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have a great desire to have this Colony again is not to be doubted ; they are perpetually making encroachments upon it ; and have already set up a claim to above two thirds of the country, pretending that the bounds of Nova Scotia should be confin'd to the Peninsula of Acadie, tho it is evident by King James the first's grant of this Province to Sr. Wm. Alexander that the River of St. Lawrence is the ancient establish'd and natural boundary between us and Canada, and has ever been so reputed. It highly imports us therefore, by all possible means to prevent the loss of so valuable a possession. It must be confess'd the coldness of the climate ; the want of a settled government and of sufficient security to defend planters from the insults of the Indians ; the cheapness of land in other British Colonies already settled ; and the greater conveniency for planting elsewhere, have concurr'd to prevent the settling of this Province and that considerable encouragements must be given to overcome the difficultys. Yet if Nova Scotia should by any accident fall into our neighbour's hands, the loss of this country would be matter of great reproach to the British Nation, who have now had it so many years in their possession—and have made so little progress in planting it, while the French have so strongly settled and fortify'd two miserable Islands, upon the coast of this Province, that they may be the better able to invade it, when a proper occasion shall offer for that purpose. The zeal which some gentlemen have shewn of late for making settlements, and for securing our southern frontiers on the Continent of America, between the rivers of Savanah and Altamaha, is likewise an example that will reflect some discredit upon the publick, if the same or greater care be not taken of our northern frontiers where our rivals on that Continent are much stronger than in any other part. But these examples are not to be imitated without considerable expence. Jamaica and South Carolina, poor as they are, have made great efforts in this way, for their own security, as may appear by several acts of their Assemblies ; and many proposals have been made at different times by the Board of Trade, for the settling of Nova Scotia, a copy of one of the Reports upon that subject is hereunto annexed ; and if part of the money arising from the sale of the French lands in the Island of St. Christopher's was apply'd to this purpose, it could never be laid out to better advantage, or at a more seasonable juncture, while so many poor Protestants all over Germany are obliged to leave their native land on account of religion, and while the Protestant Powers of Europe seem to rival each other in making provision for those miserable people. Numbers of these unfortunate objects might

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probably be engag'd on reasonable terms, and by exercising the publick charity towards them, we might at the same time procure to ourselves usefull militia, for the defence of our American Dominions. Some assistance likewise might be had, for this purpose from the gradual discharge of soldiers in Col. Phillips's regiment if they were marry'd; but without women, should they be recruited to Eternity, they would still be like the first Romans *Populus unius generationis*; therefore no new recruits should be rais'd for this regiment for the future without wives. But it were needless to enter more particularly at this time into the methods that might be propos'd for planting of this country, or into the detail of a scheme, for transporting and settling numbers of people there. This may easily be digested, when the general proposal shall be approv'd of, and provision made for so necessary an expence: for the present I shall only add, that the nakedness of this country; the credit of the administration; the King's service; and the interest of Great Britain strongly require that speedy and effectual measures should be taken for the peopling of Nova Scotia. 4 $\frac{3}{4}$  pp.

592. ii. June 3, 1735. [*By Mr. Bladen*]. It would seem, by the vast number of Papers call'd for at the latter end of the Sessions, that some gentlemen fancy, they should be able to make wonderful discoveries, or at least to bring the whole acconomy of the Plantations out of their ordinary channel, under the immediate inspection of Parliament. But no neglect in matters relative to the Plantations can justly be imputed either to the Board of Trade or to the Administration; and in all probability the more Papers these gentlemen call for, the more they will be convinced of their error. Tho' it is really impossible their orders should be comply'd with for some years to come, if the utmost diligence were employ'd in procuring proper returns to them. These enquiries however shou'd remind the King's Servants, of taking the lead in all things necessary to the security, and welfare of the Plantations. And it is presumed the most necessary point to begin with should be that of peopling Nova Scotia. The reasons hereunto annexed will sufficiently evince the importance of this undertaking; they were written some time ago, and (tho no Office Paper) conceived in terms not improper to be laid before the King. Those reasons by the present scituation of affairs are become still more cogent, and therefore it is high time to consider of the means for accomplishing so necessary a work. But that the Administration may have as much credit, and as little trouble as may be in the execution of this project, it is with great submission propos'd, that my Lord Duke of Newcastle should write a letter to the



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Board of Trade to the following effect. That the King having by the advice of His Council, completed the purchase of the widow Campbell's right to the lands and signiory of Nova Scotia, whereby H.M. is enabled to make a good and sufficient title to such lands in the said Province as he shall grant to any of His subjects, disposed to settle there. It is Her Majesty's pleasure, that the Lords Commissioners for Trade and Plantations should forthwith consider of the most speedy and effectual measures for peopling of the said Province, and that they should receive proposals for that purpose from any of H.M. subjects or even from foreigners being Protestants. 1 $\frac{2}{3}$  pp. [C.O. 27, 39. ff. 136, 138-140, 142, 142 v.]

June 11. **593.** Order of Queen, Guardian of the Kingdom, in Council.  
Kensington. Confirming Act of Jamaica, *to entitle John Golding senr. etc.*  
*Signed, W. Sharpe. Endorsed, Recd. 22nd Sept., Read 14th*  
*Oct., 1735. 1 $\frac{1}{4}$  pp. [C.O. 137, 22. ff. 6, 6 v., 9 v]*

June 12. **594.** Council of Trade and Plantations to the Committee of  
Whitehall. Privy Council. We have considered that part of the memorial of Governor Cunningham referred to us the 10th of May *etc.* wherein he prays that H.M. would be graciously pleased to order a supply of ordnance stores and implements to be sent to Jamaica, as absolutely necessary for the safety and defence of that Island, agreeable to the particulars specified in the schedule annexed to his memorial, a copy of which we take leave to subjoin to this report. We have conferred upon this occasion with Mr. Cunningham; and considering the importance of this Colony to Great Britain which makes it highly proper that they should be supplied with necessary quantities of military stores and arms, either to repel a foreign enemy or reduce their own slaves in rebellion, we are humbly of opinion that H.M. should be graciously pleased to order the cannon, arms, stores and implements particularised in the annexed schedule to be sent to Jamaica. But with respect to the small arms, we would humbly propose that they should be put into the custody of a fort major, or other proper officer, in the principal fort or magazine of the Island, to be issued by him as H.M. service may require, under this proviso, that whenever arms shall be delivered out either to the Captains or other officers of H.M. Forces or to the inhabitants of the Island, security shall allways be taken by the said Fort Major or other proper officer, for the return of the said arms in good condition, so soon as the service for which they were deliver'd out shall be performed, or the value of them in money, according to the rate that shall be settled by the Office of Ordnance. And whereas Mr. Cunningham hath observed in his memorial, that there are now lying at Port Royal six fine brass mortars, from thirty to twelve inches diameter, which were left there after the expedition to Guardeloupe and are of no use at Jamaica, we would therefore propose that Mr. Cunningham may have orders to return the said

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mortars and the shells that belong to them to the Office of Ordnance. *Annexed*,

594. i. List of ordnance stores building and implements submitted by Governor Cunningham. [C.O. 138, 18. pp. 18-23].

June 12.  
Whitehall.

**595.** Council of Trade and Plantations to the Committee of the Privy Council. We have considered the contents of a letter from Jonathan Belcher Esqr. H.M. Governor of the Province of the Massachusetts Bay to his Grace the Duke of Newcastle, dated the 9th day of January last, referr'd to us by Your Lord'ps. the first day of ye last month, wherein he takes notice of the bounties that have been settled for three years to come by the Assembly of that Province upon hemp and flax raised there; and proposes that H.M. should send a thousand bushells of the best Riga hemp seed as a present to the poor farmers in New England, there being scarce two hundred bushells of hemp seed in that Province, and the farmers being too poor to purchase it. Whereupon considering that the quantity of hemp seed desired by Mr. Belcher may be purchased at a small expence; and that it is to be hoped such a seasonable assistance will encourage the people of New England to use their best industry in raising hemp, which if successfully cultivated in that Province may in time contribute to render this Kingdom less dependent on the northern Crowns for a supply of this commodity so essential to the support of H.M. Navy and of our navigation in general, we are humbly of opinion that it may be for H.M. service to grant Mr. Belcher's request. [C.O. 5, 917. pp. 123, 124].

June 13.  
Whitehall.

**596.** Council of Trade and Plantations to the Committee of Privy Council. *Report upon* petition of Robert Wright, H.M. Chief Justice in S. Carolina for his salary *etc.* Have heard thereupon Mr. Furye, agent for the Province, Mr. Hume formerly Speaker, and Mr. Shelton Secretary to the late Lords Proprietors. *Continue* :—During all the time S. Carolina was in the hands of the late Lords Proprietors the then Chief Justice was constantly paid a salary of £100 sterl. out of the quitrents *etc.* Since S. Carolina hath been purchased by the Crown, the Assembly did give £1000 current money to the late Chief Justice Mr. Allen, as a salary for one year; and altho' no salary was afterwards settled upon him, yet upon making up their accounts, they then allow'd and paid him his arrears for three years and upwards. Wherefore we would propose that the Governor should be directed to recommend it to the Assembly in the strongest manner, that the arrears due to Mr. Wright may be paid to him. But we are humbly of opinion that it would be more for the dignity of his station, and conducive to a more steady and equal distribution of Justice, if the Chief Justice was made independant of the Assembly, and his salary for the future paid by His Majesty out of the quit rents arising there, or in any other manner H.M. shall be pleased to direct. [C.O. 5, 401. pp. 137-139.]



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June 13.

Council Office.  
Cockpit.

**597.** Mr. Sharpe to Mr. Popple. I am to desire, that you will be pleased to acquaint the Right Honourable the Lords Commissioners for Trade and Plantations, that at the Duke of Newcastle's request, a Committee of Council for Plantation affairs is summoned to meet at this office on Wednesday next at eleven o'clock, and that their Lordships are desired to attend the said Committee. *Signed*, W. Sharpe. *Endorsed*, Reed. 13th, Read 17th June, 1735. 1 p. [C.O. 323, 10. ff. 27, 30 v.]

June 17.

Whitehall.

**598.** Circular letter from the Council of Trade and Plantations to Governors of Plantations in America and West Indies, (including Governors and Companies of Rhode I. and Connecticut). *Desire* a list to be prepared and transmitted to them as soon as possible of the laws and accounts required upon the Address of the House of Commons, 12th May. [C.O. 324, 12. pp. 121, 122].

June 17.

**599.** Postscript in above circular letter, addressed to Mr. Dottin, President of the Council of Barbados:—We take this opportunity of acknowledging the receipt of your letter of the 16th of April 1735. We are very sorry for the death of Lord Howe, and we hope you will take all possible care in the administration of publick affairs, until H.M. shall think proper to appoint another Governor. [C.O. 29, 16. p. 37.]

June 17.

Whitehall.

**600.** Council of Trade and Plantations to Governor Cunningham. H.M. having been pleased, upon the Address of the House of Commons, dated the 9th of the last month to direct us to prepare, in order to be lay'd before that House the next session of Parliam't an account of the amount of the mony which has been raised in the Island of Jamaica under your government by any duties or impositions on the importation or exportation of negroes, wines, or any other foods or merchandizes, or by any other taxes payable by or collected upon the inhabitants of the said Island for ten years last past, distinguishing each year; we desire you will forthwith upon receipt hereof, cause to be prepared and transmit to us as soon as possible the accounts above mentioned, so we bid you heartily farewell *etc.* [C.O. 138, 18. p. 24.]

June 18.

Whitehall.

**601.** Council of Trade and Plantations to the Lords of the Committee of Privy Council. In reply to May 24, enclose following. *Annexed*,

601. i. Draft of H.M. Additional Instruction to Governor Mathew. An Act of St. Xtophers *for continuing the duties of gunpowder etc.*, has been repealed *etc.*, But it having been represented that in the present case it may be necessary to continue the duty of gunpowder and small arms (in the same manner as it stood before the making of this act) upon the tonnage of all vessels loading to and with that island, It is therefore our will and pleasure that you do give your assent to an act for that purpose to continue in force for three years,

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provided care be taken to oblige the proper offices for collecting this duty to receive it in kind only if gunpowder may possibly be procured; and likewise that he be in that case restrained from commuting gunpowder for money; but so far as the quantity of gunpowder shall fall short, the duty to be made up in money. [C.O. 153, 16. pp. 1-3.]

June 18. **602.** Governor Mathew to Mr. Popple. *Begins with duplicate*  
 St. Christophers. of 5th May. *Continues* :—To these I now add in another packett that comes by this ship the following publick papers to be laid before their Lordships, vizt., The Minutes you wrote for of the Council of Montserat from 2nd June 1730 to 5 Febr. 1731. The Registers for four parishes in Nevis of births and burials for one year ending with 31 Oct. 1734. There is a 5th parish in that Island, but no regular register kept by the last incumbent. The Treasur. of Montserat's accompt provd upon oath from 8 Oct. 1733 to the 1st Feb. 1734<sup>1</sup>. Six acts of the Island of St. Christophers you mention not to have been transmitted, and wch. I have attested upon the Deputy Secretary's oath, to be true copys, and he assures me these compleat are the St. Christophers laws with those already transmitted. These were pass'd out of my time and I am therefore to say nothing of them. I pray you will return my thanks to their Lordships for the book of Antigua Acts. I have no more to add but a transcript of the Minutes of Council of St. Christophers of 18 Sept. and 24 Sept. 1733, relating to the Clerk of the Assembly of this Island that I removd, wch. I think proper to send, lest his brother in law Mr. Spooner should suggest any particular want of patience in me, and to prove I only remov'd an incorrigible old offender. The Legislature of Nevis have pass'd an Act to continue the duty on liquors imported and revenue that Island has had before my memory, but as I am restraind from passing laws that affect the trade of Great Britain, I send it you as pass'd by both Houses, without my passing it, and desire you will lay it before their Lordships, either for to [be] remitted back to me to pass it, or to be rejected. These are the benefits we owe to the solicitations of our enemys at home, that owe their all to us. I speak as a planter. I have at last, after a very long sett of disapointed projects, got a list of the men able to bear arms in all the Carribee Islands belonging to the French, which I desire you will inform their Lordships of. It is enclosd. I can (I think) vouch it to be a true one; the person that got it for me is ready to affirm upon his oath that he himself made the copy of it, out of the office books at Martenica, and he is a man of noted fair carактер. It cost a little money. Pray observe on it to their Lordships, that tho' St. Vincent, Sta. Lucia, and Domenica are part of the Government of Barbados, I hope they will not be displeasd that I go out of my own to remark, that the French keep still the six familys as a possession on Sta. Lucia, St. Vincent I can say no more to, but as to Domenica I have intercepted a letter from Quebec with the following direction, A Monsieur Le Grand Commandant des François de La Dominique



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a l' Isle de La Dominique. So that their denying their having any pretence to any sort of Government on those Islands (on this especially) is all false, and they are dayly spreading over these three Islands to make French Governments of you, so to increase their power, as to make our destruction, but a plaything to you. And I know that notwithstanding the positive orders for evacuating Sta. Lucia, Lord Howe and Capt. Reddish were prevailed upon by soft words and entreatys to let these *six poor families remain out of meer charity*. I have all the details of the subtile pageantry on that occasion. *Signed*, William Mathew. *Endorsed*, Reed. 21st Aug., Read 10th Sept. 1735. *Holograph*. 2 pp. *Enclosed*,

602. i. Numbers of men able to bear arms from the age of fourteen to the age of sixty in the French Caribbee Islands taken for the year 1735. But compleated not till the 20th Feby. of that year. N.S.

		<i>Men</i>	<i>Soldiers</i>	<i>Familys</i>
Martenica	..	8973	1312	
Guadeloup	..	1821	40	
Grandeterre	..	2211	25	
Marigalante	..	270	12	
Les Saintes	..	79		
La Grande Grenade		381		
Les Grenadines	..	65		
St. Vincent	..	117		
Domenica	..		about	100
Sta. Lucia	..			6
Total	..	13,917	1389	106

N.B.—Pere Labat tho' a French man makes the whole Militia of Guadeloup and Grandeterre and of the Saints too, if I mistake not (for I have mislaid his sixth volume), not quite fifteen hundred and now they are 4111 by an old [*blank*]. 1 p.

602. ii. Minutes of Council of St. Christopher, 18th and 24th Sept., 1733, relating to the suspension of John Griffis, Clerk of the Assembly, for neglecting to transmit minutes of Assembly to the Governor. He was allowed a month for drawing out all the minutes he had not yet transcribed, on pain of being suspended *etc.* *Endorsed as covering letter*. *Copy*. 2½ pp.
602. iii. Account of revenue of Montserrat, Oct. 8, 1733. *Total*, receipts £2585 19s., leaving balance of £146 10s. 6½d. current money in the Treasurer's hands. Audited in Council, sworn to by, John Roynon, Treasurer. 2 pp.
602. iv. List of Christenings (12) and burials (32) in the parsh. of St. Paul, Nevis, 1st Nov. 1733–31st Oct., 1734. *With note by Minister* :—It dos not lie in the Minister's way to take an acct. of the births ; but as the children

1735. [602 iv.]

born here (except those of the Jews, which are but few now) are all baptized, an acct. of the christnings wou'd be much the same as the births, were it not for a late irregular practice of christening and marrying in the parishes of others, whenever opportunities can be got, which (among other inconveniences) renders it impracticable for the Keeper of this register to be exact in the number of christenings *etc.*, none of such names being brought him to be registred or registred anywhere *etc.* *Signed* Robert Proverson, minr. of St. Paul's and Keeper of the Parish Register. 1 long p.

602. v. List of christenings (8) and Burials (6) in the parish of St. John's, of St. Thomas *etc.* christenings (7), burials (9); Nevis, 1st Nov., 1733—31st Oct., 1734. *Signed*, W. Wharton. 1½ pp.

602. vi. List of Christenings (10) and Burials (13) in the parish of St. George, Nevis, 1st Nov. 1733—31st Oct. 1734. *Signed*, John Newbery, Register. 1 p. *Nos.* iii—vi. *endorsed as covering letter*

602. vii. Rev. Robert Davidson to Governor Mathew. 26th June, 1735. Returns thanks for his having secured him a comfortable settlement *etc.* Cannot send list of burials and baptisms, as his predecessor kept no register *etc.* *Signed* Robert Davidson. *Same endorsement.* 1 p. [C.O. 152, 21. ff. 156—161, 162—164, 165 v., 166, 169 v.]

June 19.  
New York.

**603.** Governor Cosby to the Council of Trade and Plantations. In my letter to yr. Lordships of the 10th inst., I lay'd before you the beheavour of some of H.M. Council of this Province and the difficultys I shall lye under in the discharge of my duty to H.M. in the trust repos'd in me if these men be not remov'd from their seats at this board. I had not then fully resolv'd whome to recommend to yr. Lordships to succeed, but now, my Lords, I have thought of those whose fortunes and caracters are amongst the foremost in this Province for reputation and estate and as such I recommend them to yr Lordships, and they are these Thos. Freeman Esqr. who maryed one of my daughters, and Mr. John Moore a considerable merchant in this town. *Signed*, W. Cosby. *Endorsed*, Recd. 2nd, Read 14th Aug., 1735. 1 p. [C.O. 5, 1057. ff. 175, 178 v.]

June 19.  
New York.

**604.** *Same to Same.* Transmits five acts of New York, (i) *for raising £50 in Schenectady*; (ii) *for building a wharf in Albany etc.*; (iii) *for repairing a road in Albany County*; (iv) *to ascertain the heights of fences in King's County*; (v) *for discharging two bonds, a private act etc.* *Signed and endorsed as preceding.* 1 p. [C.O. 5, 1057. ff. 176, 177 v.]

June 22.  
Jamaica,  
Spanish Town.

**605.** President Ayscough to the Council of Trade and Plantations. My Lords, I have taken the first opportunity to transmit to your Lordships the titles of the several Acts of the



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Assembly that have been pass'd during this Session, amongst which that *for the better settling and securing the Island and vesting several parcells of Land in the Crown and for building of barracks &c.* justly claims a precedency and my particular notice from the great benefit and advantage the country will receive by it ; as it will not only effectually contribute to the securing the Island, but also to the reducing of the rebellious negros. The substance of which law is, that there shall be twelve defenceable barracks built through the middle parts of the Island in the most convenient places, where there are no settlements yet made ; which barracks will be garrison'd and guarded by 800 men and a communication will be preserved between them, by the cutting of roads throughout the Island. Your Lordships herewith receive one act only that is at present ready, intituled, an Act *for the more effectual directing the marshal's proceedings, and regulating thereof*, the rest will be sent by the next ship. The parties since martial Law has been in force, are already fitted out, and are march'd to attack the rebels, who have lately been very quiet, but about four days ago, I received advice of their having surprized a Serjeant, and a guard of fifteen men in one of the out settlements to Leeward, and killed four of the men, belonging to Captain Pope's Company, a copy of which account, sworn to by the Serjeant, I here enclose ; and I just now received an express that the rebels, before our parties could come up to them, have since abandon'd the place, and are run away with great precipitation, leaving their ammunition, cutlasses, lances, provisions and other necessities behind them. Captain John Campbell is dead. *Signed, J. Ayscough. Endorsed, Recd. 18th, Read 20th Aug., 1735. 1½ pp. Enclosed,*

605. i. Deposition of William Portis, serjeant. 14th June, 1735. 200 rebellious negroes attacked him this morning in his quarters at the Island Plantation, shooting and wounding the sentries, and rushing into the piazza. The soldiers being all in bed, got ready as fast as possible and fought the rebels for three hours, but the rebels setting fire to all the houses, Portis and his soldiers retired. Five of the soldiers are missing *etc.*, four wounded. He had but 13 effective men, *etc. Same endorsement. 1 p.*

605. ii. List of (10) bills passed during session of Assembly, 7th April–21st June, 1735. *Same endorsement. 1½ pp. [C.O. 137, 21. ff. 226, 227–229 v., 232 v.]*

June 24.  
Whitehall.

**606.** Council of Trade and Plantations to the Duke of Newcastle. My Lords, Having just now received a letter from Thomas Broughton Esqr. Lieut. Governor and at present Commander-in-Chief of South Carolina signifying the death of Col. Robert Johnson, the late Governor of that province ; we take this opportunity of giving your Grace this early notice that you may receive Her Majesty's commands thereupon *etc. Auto-graph signatures. 1 p. [C.O. 5, 383. f. 23.]*

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June 24. **607.** Petty Expenses of the Board of Trade, Lady Day to Midsummer, 1735. *v.* Journal. 6 *pp.* [*C.O.* 388, 80. *ff.* 132, 133, 134–135, 137.]
- June 25. **608.** Minutes of Committee of Privy Council for Plantation Affairs. The Earl FitzWalter this day laid before the Committee a particular state of the Island of Jamaica from the first settlement thereof *etc.*, and a list of all the representations and letters from the Lords Commissioners for Trade relating to the sd. island since 1715, together with a list of all the laws in force in Jamaica upon 31st March, 1731, and of such as have been past since that time for raising money in that island; part of the said papers were read and considered and the farther consideration thereof was adjourned to this day sennight at 11 o'clock, against which time the Lords Commrs. for Trade and Plantations were desired to cause abstracts to be made of the sd. state of Jamaica, and also to prepare a state of the island of Barbadoes. The Lords of the Committee took into their consideration a draught of an Instruction prepared by the Lords Comms. for Trade for Govr. Mathew to empower him to pass a new act for the continuance of a powder duty upon all vessels trading to St. Christophers; and the Lords of the Committee agreed to lay the sd. draught of Instruction before the Queen as proper for Her approbation. The report of the Board of Trade upon the petition of Robert Wright, Chief Justice of S. Carolina, was referred to the Lords Commrs. of the Treasury for their opinion thereon *etc.* The Lords of the Committee likewise took into consideration another report of the Lords Commrs. for Trade and Plantations upon the petition of Sr. William Chapman Bart., John Bristow Esq. and others praying for a grant of lands in the Brasils in order to make a settlement thereon; Their Ldps. agreed to report to the Queen as their opinion that it was not adviseable for H.M. to comply with the Petrs'. request. 2½ *pp.* [*C.O.* 5, 36. *ff.* 35 *v.*–36 *v.*]
- June 25. **609.** Council of Trade and Plantations to Lt. Governor Broughton. *Acknowledge* letter announcing death of Governor Johnson *etc.* *Conclude* :—We make no doubt but that you will use your utmost endeavour to promote the peace and prosperity of that Province, and conform to the Instructions given to Col. Johnson *etc.* [*C.O.* 5, 401. *p.* 140.]
- June 26. **610.** Council of Trade and Plantations to the Committee of Privy Council. *Report upon* petition of Thomas Rutherford, referred 24th June. *Continue* :—We find the allegations of his petition to be true; and considering that it may tend to the better people of the Province of S. Carolina if the large tracts of land granted by the late Lords Proprietors be divided into lesser parcels or lots, which may be capable of being cultivated by persons of small substance, we are humbly of opinion that His Majesty should be graciously pleased to order the 12000 acres to be survey'd and set out to the petitioner, his heirs and assigns in



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plots not less than 500 acres each, subject to the established regulations of survey and the several instructions given to H.M. Governor upon that head. [*C.O.* 5, 401. *pp.* 141-143.]

June 26.  
Whitehall.

**611.** Mr. Popple to Mr. Oxenford. My Lords Commissioners *etc.* desire you will forward as much as possible the sevl. leidgers not yet sent to this Office ; I am likewise to acquaint you that their Lordships are a good deal surpriz'd that the leidgers for this Office should not be compleated further than the year 1728. (*cf.* C.S.P. Aug. 27, 1734). [*C.O.* 389, 29. *p.* 197.]

June 27.  
Charles Town,  
South Carolina.

**612.** Mr. Fox to the Council of Trade and Plantations. Transmits lists of vessels entered and cleared, Charles Town, in the quarter ended Midsummer, 1735 ; als for the Port of Winyaw. Lady Day 1734-1735. No vessels from Port Royal. *Signed*, Jos. Fox, Naval Officer. *Endorsed*, Recd. 5th, Read 18th Sept., 1735. 1 *p.* [*C.O.* 5, 364. *ff.* 247, 248 v.]

June 28.  
Boston.

**613.** Governor Belcher to the Duke of Newcatle. *Refers* to letter of June 9, and encloses what passed in the Assembly of New Hampshire, "with whom I prevail'd to lay a bounty to encourage the raising of hemp, which I hope will in time be of good service in helping to supply the Royal Navy : but as the Province is small, and thin of people, which makes labour dear, and the farmers poor, I must be a suitor to your Grace for the King's Royal bounty to New Hampshire in a present of five hundred bushels of best Riga hemp-seed ; and if it could be here some time in Oct. next, it would put a greater number of people upon preparing their grounds against the next summer. I am heartily glad the Assembly are come into such an act, for I don't know, wherein these Plantations can be in any other way so serviceable to H.M., and to the Mother Kingdom, as they will be in raising good quantities of hemp, flax and other Naval Stores," *etc.* *Hopes* that "this good design will not be nipt in the bud, for want of H.M. smiles upon the poor people, that are not able to purchase the seed". *Continues* :—If two or threeskilful operators in hemp were sent over to New Hampshire for two or three years at H.M. charge it would be a great addition to the Royal favour *etc.* *argues* that the Navy would thus have a supply from within H.M. Dominions, and the people be diverted from woollen manufactures *etc.* *Continues* : The Assembly would not be persuaded to do anything in support of H.M. honour, nor in justice and safety to the Province and people, by making provision for the publick debts, and for repairing the fort and the prison ; and this neglect is purely owing to the Representatives, who indeed made a pretence of doing these things, by a bill they pass'd in the House, (*enclosed*), but was rejected in H.M. Council as deficient in some parts of it for answering the ends they propos'd, and for being also inconsistent with H.M. royal Instructions. And thus, my Lord Duke, that poor Province lyes naked and expos'd by the injustice and neglect of the Representatives, who, being so few in number, are easily led by two or three

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designing men among them, and these are under the influence of Col. Dunbar, who seems pleas'd with every obstruction he can give in the proceedings of the Assemblys, and I expect nothing but quarrelling and contention, while he is there ; for that seems to be his element. But were the Province once clear of him, I have no doubt but everything would soon be in peace, and the King's service go on easily ; and I don't believe he is able to make out his doing one single for H.M. interest or honour, since his coming into these parts. *Signed, J. Belcher. 7 pp. Enclosed,*

613. i. Minutes of Council and Assembly of New Hampshire, May 8, 14, 16, 1735.

613. ii. Copy of bill for supplying £3381 14s. 8d. in bills of credit for discharging the public debts, passed in the Assembly, May 14.

613. iii. The Council's objections to preceding, including lack of provision for a sinking fund *etc.* May 16.

613. iv. Reply of Assembly to preceding, May 17. Nos. i-iv. *Copies certified by Richd. Waldron, Secry. and J. Belcher. 19½ pp.*

613. v. Minutes of Council and Assembly of New Hampshire, May 2-17, with Governor Belcher's speeches. *Copy. 22½ pp.*

613. vi. Act of New Hampshire to encourage the sowing and well manufacturing of hemp. *Copy, certified by J. Belcher, 4 pp.*

613. vii. Act to enable the Governor and Council to take cognizance of the case of John Goffe, junr., of London Derry, N.H. *Copy. 2 pp. [C.O. 5, 899. ff. 140-143, 144-153, 154-166, 168, 169-171.]*

1734.

Jan. 6.  
London.

**614.** Mr. Coope to Mr. Popple. Is unable to attend the Board on Tuesday, but sends General Mathew's observations on the French and Dutch Treaty of Neutrality (*relates to St. Martin and St. Bartholomew. v. C.S.P. Dec. 24, 1734*). *Continues :—* The General came to a sight of this Treaty by sending to the Dutch Governor for it, and he observes, that by the first article there must be a chicane and the copy sent him a false one ; it being ridiculous to say that if a war was against both Holland and France, they would help each other, that is in course. But this treaty must mean that if there were a warr against Holland or France, they would help each other. It's otherwise not a neutrality but a defensive treaty. [*But see the Treaty, C.S.P., Dec. 24, 1734. Ed.*] Tho' the 2nd and 3rd Articles only bind themselves, it's hoped that notwithstanding this treaty, we may take wch. of either of them comes in our way. The fourth is a vile French article. If they can't send their negroes thither it's because these islands are too far for them. But our allies the Dutch need not have provided, that in case of necessity, their next neighbours (the English) shou'd not send a few of their best



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negroes thither, and that they wou'd not receive them. This article is the more ungratefull, in regard the Dutch in time of Peace subsist only as long as St. Christophers will let them have water for their vessells, that carry on at Sta. Eustatia that vile trade with the French, against their King's edicts, wch. undoes us. But the snake is here, as he most justly remarks, M. Champigny has foisted in a neutrality for St. Bartholomews in the 5th article, so that with the carenage of that island, where there is a fine small harbour, within 2 hours sale of St. Christophers, and with cover for French privateers at St. Martins not above 3 hours sale from St. Christophers, a vessel can't sail from Monserat, Nevis or St. Christophers for Great Britain or Ireland, without being liable to be taken by the French privateers wch. have these snugg waiting places given them by the Dutch, but not to be touched by the English *etc.* This treaty *etc.* may produce irretrievable ruin to the foresaid Sugar Colonye, especially if it is considered the further use wch. the French will make of St. Thomas and another intended Danish settlement at Sta. Crus, in case of a rupture. As the fondness between the French, Dutch and Danes in those parts, is of such a threatning nature, I doubt not but their lordships will contribute to defeat the bad purposes thereof *etc.* Signed, Ri. Coope. Endorsed. Recd., Read 7th Jan., 1734 $\frac{1}{2}$ . 1 p. [C.O. 152, 20. ff. 177, 180 v.]

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